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ABSTRACT

This collection of nine papers grew out of a series of presentations made by advanced graduate students participating in a seminar in Higher Education during the spring term, 1975. The purpose of the seminar is to afford advanced students an opportunity to explore in depth the topics considered in the more general way in the course sequence and in other courses in Higher Education. The papers presented in the seminar were divided into three broad areas: collective bargaining; tenure; and faculty development. Papers presented covered: (1) an overview of collective bargaining; (2) collective bargaining in relation to part-time faculty; (3) the role of statewide governing boards in local community college collective bargaining; (4) women, college faculty, and tenure; (5) faculty tenure in a period of financial crisis; (6) conflict between tenure and affirmative action; (7) perspectives and issues of faculty development; (8) the teaching aspect of faculty development; and (9) West German University reform and the university professor. (Author/KE)

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# UNIVERSITY FACULTY IN CRISIS: COLLECTIVE BARGAINING, TENURE, FACULTY DEVELOPMENT

Allan O. Pfnister, editor
William Pickett, Jane Muller, Lawrence Raful
Donald Scott, James B. Hirsh, Joan Ehren
Margaret Wick, Abbas Kasraian, Rolf Trautsch

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## FOREWORD

This collection of nine papers grew out of a series of presentations made by advanced graduate students participating in a seminar in Higher Education during the spring term, 1975. All of the students are working toward the Ph.D. in Higher Education, and the seminar is part of the sequence of courses in Higher Education at the University of Denver. Students normally enroll in the seminar during the last three quarters of their residency. All of the students in the program have, with few exceptions, completed a Master's degree in a field outside of professional education and have taken additional graduate studies in that field or a cognate area. Their doctoral research usually follows a combination of work in the Master-cognate area and in Higher Education. The students enrolled in the spring seminar, 1975, together with their degrees and previous experience or present position, are listed below:

William Pickett M.A., English, Duke University; M.P.A., University of Missouri, 1974. Director of Foundation and Government Relations at Regis College, Denver.

Jane Muller M.S.N., University of Texas at Austin, 1973. Previous positions in nursing.

Lawrence Raful J.D., University of Denver, 1975. Research Assistant for the Education Commission of the States, spring term, 1975.

Donald C. Scott M.S., Georgetown University, 1969. Air Force Academy.

James Hirsh M.A., University of Denver, 1972. Research Assistant, University of Denver.

Joan A. Ehren M.A., Columbia University, 1955. Graduate Research Assistant, Bureau of Educational Research, University of Denver, spring, 1975.

Margaret Wick M.A. Loyola, 1971. On leave from Briar Cliff College, Academic Dean. Administrative Intern, Continuing Education, University of Denver.

Abbas Kasraian Master's degree, University of Tehran, 1960. Teaching position, Tehran.

Rolf Trautsch M.A., San Francisco State, 1969. Position in Dean's Office, Air Force Academy.

The participants in the seminar represent, as can be seen, a variety of backgrounds and academic preparation. The range is fairly typical of students in the Higher Education program at the University of Denver. The program usually has some 35-40 students at various stages of study, and admits approximately 8-10 new students each year.

The purpose of the seminar is to afford advanced students an opportunity to explore in depth--with particular reference to reports on current research and to recent literature--the topics considered in the more general way in the course sequence and in other courses in Higher Education. Topics for the seminar are proposed by the staff in Higher Education, but the final decision resides with the instructor and the class. In the spring of 1975 it was decided to focus upon some current pressures on the college and university professor. At that point in time both the present and future developments in regard to the tenure system and collective bargaining were being discussed widely enough in the literature to be viewed as critical areas of concern. In addition, and partially as a result of developments relating to tenure and collective bargaining, faculty development was emerging as another major topic. Several publications had been issued, and funding agencies, the Federal Government as well as private foundations, had revealed considerable interest in promoting new approaches to faculty development. The editor served as a member of a workshop sponsored by the Danforth Foundation in Oregon in the fall of 1974 and a workshop sponsored by the Council for the Advancement of Small Colleges in August, 1975; both conferences were devoted in large part to issues relating to faculty development.

The papers presented in the seminar were divided into three broad areas, collective bargaining, tenure, faculty development. One paper examined recent activities in West Germany and compared the pressures upon faculty members in universities of West Germany with the pressures on faculty members in the United States.

In June, 1974, there were 338 campuses on which faculty members had chosen collective bargaining agents. This number represented 92 percent of the 367 institutions on which elections had been held to determine whether a bargaining agent should be appointed. This figure constituted 70 more institutions than had been reported some 18 months previously. By June, 1975, an additional 60 to 70 institutions had been organized, and predictions were for the year 1975-76 to be an even more active year in bringing to faculty vote proposals for new bargaining units. The first of three papers in this collection focus on collective bargaining. William Pickett, who is a staff member of a college that was one of the first in the region to engage in collective bargaining, raises some general questions about the impact of collective bargaining on the internal organization and administration of colleges and universities. Jane Muller deals with the critical question of who is to be included within a bargaining unit, with special reference to part-time faculty and the rulings of the National Labor Relations Board. Lawrence Raful, who completed a law degree at the end of the spring term, 1975, explores the ways in which the development of bargaining units would affect the relations of the institution with statewide coordinating or governing boards.

Tenure had come to be accepted in recent years as a standard part of academic life. But in 1974-75 with the slowdown in enrollment growth and consequent slowdown in the number of persons added to university staffs--some institutions were even experiencing reductions of staff--who should receive tenure and under what circumstances was fast becoming a critical issue. Indeed, some writers and speakers were openly advocating the abandonment of the tenure system. Donald Scott examines the special problems women have found in gaining tenure in academic institutions. James Hirsh, who is making a study of the impact of the Depression years on higher education, provides some background regarding the way in which tenure was viewed during the 1920s and 1930s in the United States. Joan Ehren finds that under Civil

Rights legislation of the early 1970s and the subsequent requirement of the Federal Government that affirmative action be taken in employment practices in colleges and universities, the tenure system was facing new challenges. When staff limitations and/or reductions in staff are required, institutions may find affirmative action and tenure principles in conflict and that if the experience of business and industry is any guide, courts will rule that affirmative action takes precedence over tenure.

Margaret Wick, Dean of a liberal arts college on leave for study at the University of Denver, finds that much of the writing about faculty development lacks clarity both with regard to what is meant by the term and how programs are to be implemented. Abbas Kasraian writes an essay giving his impressions of faculty development and college teaching in the United States from the perspective of a visitor from Iran and one who is making a study of American higher education.

The final essay is a comparison of recent developments in West German universities and how these developments compare with the move toward collective bargaining and limitations on tenure in United States institutions. The author, Rolf Trautsch, spent the summer of 1975 in West Germany following up on some of the administrative changes that have taken place in the German universities, with special reference to the University of Heidelberg.

As editor, I found reviewing the papers provided a good overview of some topics that have been touched only lightly in current literature. We trust that the essays will be of interest to a wider public.

Allan O. Pfnister
September, 1975

# I. COLLECTIVE BARGAINING IN HIGHER EDUCATION: AN OVERVIEW

by
William Pickett

During the last ten years, one of the most important changes in the internal organization of colleges and universities has been the unionization of faculties and the consequent collective bargaining for wages and conditions of employment. By 1975, faculties in 260 colleges had established bargaining units. While the development of collective bargaining in private colleges has differed somewhat from that in public colleges, the impact of faculty unionization is significant for both.

This paper will examine two aspects of collective bargaining in higher education, (1) the reasons given for the growth in the number of colleges and universities turning to collective bargaining and (2) the nature of collective bargaining as viewed in the light of organizational theory. Among the reasons most often mentioned for growth in the number of units in higher education are: (1) conducive legal environment, (2) organizational support, (3) growth of unionism among elementary and secondary school systems, (4) faculty dissatisfaction with wages and working conditions, and (5) a decrease in institutional autonomy. In terms of organizational theory, collective bargaining, as it has developed, seems likely to have greatest impact on patterns of authority within the university.

To establish a frame of reference, a basic definition of collective bargaining is needed. The following statement from Duryea, Fisk, and Associates provides a good beginning point:

> Collective bargaining is a system of representative government in which members of a body politic (in labor relations parlance, the grouping of jobs constituting the bargaining unit) participate, through a designated organizational representative, in decision-making which affects their working environment--salaries, terms and conditions of employment, and other matters related to their interests as an occupational group.[1]

It seems evident from such a definition that to employ the collective bargaining process is to depart in important respects from traditional practices in higher education. While there may seem to be a superficial resemblance between a faculty union and the early guilds of masters, the sharp delineation of faculty as employees and administrators as employers or "management" underscores the radical differences between this approach and that of an autonomous guild of masters.

## The Growth of Collective Bargaining

Collective bargaining has been adopted by college faculties for many complex and locally conditioned reasons. A review of the literature, however, suggests that five of the most commonly reported reasons are the following: there is a conducive legal environment, there is organizational support, unionism has grown rapidly at lower educational levels, faculty are dissatisfied with wages and working conditions, and there has been a decrease in institutional autonomy.

### Conducive Legal Environment

The inauguration of collective bargaining among college faculties seems to follow upon the legalization of collective bargaining. While some unions have been formed and bargaining undertaken without a state or federal legal framework, most units have developed after a conducive legal environment emerged.

With regard to public higher education, 20 states have passed some form of legislation authorizing collective bargaining for public employees. Of these, two are "meet and confer" laws and 18 are collective bargaining laws. Laws classified as "meet and confer" do not require the public employer to bargain collectively with the recognized union. Under these laws, public employers must discuss "conditions of employment" but are not required to conduct the decision-making within the framework of bargaining. Under collective bargaining laws, public employers have the same obligation to negotiate in good faith as do private employers under federal law. (Obviously there are many other important differences between the state laws which are not being noted here.)

With regard to private higher education, the National Labor Relations Board in 1970 declared its jurisdiction over private colleges with budgets of $1,000,000 or more. This so-called "million dollar rule" brought private higher education into the collective bargaining arena.

The legal environment has become increasingly conducive to bargaining. Without the administrative machinery, legal sanctions, and the legitimacy conferred by the NLRB ruling and the various state laws, collective bargaining would not have developed as rapidly as it has in higher education. The efforts of the American Federation of Teachers (AFT), the National Education Association (NEA), the American Federation of State, County, and Municipal Employees (AFSCME), the American Federation of Government Employees (AFGE), and organized labor in general to lobby the United States Congress for a national public employee collective bargaining law indicate that within five years the right to organize and bargain collectively will be legally guaranteed in all higher education settings.

Organizational Support

Another factor that has contributed to the growth in the number of units has been the support and encouragement by national and regional organizations. That 400 Michigan school districts had recognized teacher bargaining units within six months after the effective date of the state's collective bargaining law cannot be totally explained by a changed legal climate. The potential of the favorable legal situation was exploited by AFT and NEA which were able to focus human resources and effort through their organizations.

Teacher labor organizations at both the national and local levels have been significant factors in the spread of collective bargaining information and expertise in education. Collective bargaining by its nature requires an organization of represented employees. Representation elections are majority rule selections among competing organizations. If developing local groups can affiliate with national

organizations and thus use national reservoirs of resources, staff, experience, and documentation, unionization is facilitated.

As the national faculty union organizations grow in strength, they will be more likely to attempt independently to organize a campus rather than waiting to be approached by a local group. For example, the Massachusetts Teacher Association, a state affiliate of NEA, supported a full-time organizer at the University of Massachusetts-Amherst for a full year. His task was to initiate the organization of a faculty union rather than to step in to help an existing local unit win recognition. Through his recruiting efforts and the work of other MTA staff, a group was organized although it subsequently failed to win recognition the first time around.[2]

After a review of the situation at the University of Massachusetts, Philip Semas concluded that "it is unlikely that unease would have been translated into a collective bargaining election...if MTA organizers had not come onto the campus."[3]

The three national organizations active in collegiate collective bargaining are AFT, NEA, and the American Association of University Professors (AAUP). The NEA is the largest of the three, and it is particularly strong among the community colleges. It is also the largest professional organization in elementary and secondary education. It has generally retained a professional orientation, but is recently becoming much more aggressive in both organization and bargaining. In terms of national policy, there is no substantial difference between NEA and AFT.[4]

The AFT most resembles trade unions among the three. Its background in industrial unionism is strong, and it retains its membership in the AFL-CIO, by virtue of which it has a seat on the executive committee. Its approach has been similar to industrial unionization, and it supports the use of strikes as a bargaining tactic.

The AAUP entered collective bargaining with some reluctance and in response to requests from local chapters. The national organization soon found itself presented with a fait accompli. In 1972, AAUP endorsed collective bargaining as a "major additional way of realizing its goals in higher education."[5] It further announced a policy of assisting local AAUP chapters in organization and bargaining.

> The longstanding programs of the Association are means to achieve a number of basic ends at colleges and universities: the enhancement of academic freedom and tenure; of due process; of sound academic government. Collective bargaining, properly used, is essentially another means to achieve these ends, and at the same time to strengthen the influence of the faculty in the distribution of an institution's economic resources. The implementation of Association-supported principles, reliant upon professional traditions and upon moral suasion, can be effectively supplemented by a collective bargaining agreement and given the force of law.[6]

The AAUP recognizes the right of members to strike, but it assumes the right will be exercised only if faculty believe "that another component of the institution...is inflexibly bent on a course which undermines an essential element of the educational process."[7]

These three organizations have played significant roles in the development of collective bargaining in higher education.

Elementary and Secondary Education

The existence of a well-developed pattern of collective bargaining among elementary and secondary schools also fostered the parallel development among higher educational institutions. In a sense, collective bargaining spread into higher education from elementary and secondary education. There seems to have been two mechanisms for this transfer. First, there is a close affinity between community colleges and local school districts in that the previous experience of much of the staff has been at the pre-college level, and there has been a close relation of the administrative structures which has provided a ready channel for information flow. Professionally, the community college teacher has often thought of himself or herself closer to the secondary school teacher than to the four-year college

professor and he more readily accepted the pattern already adopted by the lower schools.[8]

Second, there were close ties between the teacher-training institutions and organized public school teachers.

> In 1969, the faculty at Central Michigan University led the way in voting to engage in collective bargaining /in Michigan/. Central Michigan is well outside the Detroit area, but it is a former teachers college and it still has a strong college of education and a large faculty offering one of the state's principal teacher-training programs. The career tie to public school teachers thus probably helped provide a significant number of the affirmative faculty votes for bargaining.[9]

Thus the existence and acceptance of teacher unions at lower educational levels facilitated the growth of collective bargaining in higher education.

Faculty Dissatisfaction

Given statutory and organizational support, all that was needed was sufficient worker dissatisfaction with wages or working conditions to initiate steps toward collective bargaining. Among higher educational institutions, faculty dissatisfaction with overall low salaries, salary inequities, work load, and faculty role in policy-making have undoubtedly contributed to the growth of collective bargaining.

> Many of the faculties that have turned to collective bargaining since 1968 undoubtedly thought of themselves as disadvantaged units within the academic profession--as having failed to share adequately in the economic gains being enjoyed by their more fortunate colleagues elsewhere. General dissatisfaction with faculty compensation levels was clearly present at such institutions as Bryant College, CUNY, SUNY, Adelphi University, the Brooklyn Center of Long Island University, Central Michigan University, and Oakland University.[10]

In institutions or systems where salaries were on the average high, there were often instances of salary inequities: unequal pay for equal work. This was certainly the case at SUNY where economic parity throughout the system became a key bargaining issue.[11] Within a single institution, salary inequities resulting from the "star" system or a split between younger and older faculty has re-enforced the willingness of faculties to turn to unionization.[12]

The pressure to increase faculty teaching load, especially by extra-institutional authorities has resulted in faculties seeking effective means of controlling working conditions through collective bargaining. The Florida legislature's mandating of teaching loads encouraged NEA to mount a concerted effort to organize the faculty in that state.

William Boyd, president of Central Michigan University, one of the first higher institutions to enter collective bargaining, points out the lack of faculty involvement in institutional policy making as a unionizing factor.

> ...Deficiencies in university government were probably more insignificant than economic goals to many early advocates of unionization. Participation in decision-making was seen as inadequate. In some cases, other avenues for such participation have not been available, making collective bargaining the only option. On most campuses, other avenues--like academic senates--are available, but all too often they do not really lead to where the power is--to that place and time in the budget process where fundamental decisions on allocations are made. Not only the size of one's salary, but the fundamental expression of values and priorities, are at issue there. Collective bargaining forces that issue more effectively than senate debate or faculty club lamentations.[13]

This situation was particularly present in the community colleges which were often managed like a public school district.[14]

Decrease in Institutional Autonomy

The fifth factor that appears to have encouraged the growth of collective bargaining is the loss of individual institutional autonomy. All fifty states now have some supra-institutional agency which exercises administrative influence or control over public colleges and universities. Crucial resource allocation decisions and new program approval often take place at the state agency level rather than at the institution. As a result of the development of these boards, faculty have a less effective voice in their own affairs. Collective bargaining is perceived as a method of effectively dealing with this changed power equation. As Garbarino explains, this was a factor at SUNY and Rutgers.

> The centralization of administration promised to shift the locus of decision-making to distant headquarters in Albany, making the decision-makers less accessible to local interest groups. A university-wide academic senate was established, but the heterogeneous collection of faculty and professional groups in the system chose unionism as the best way of gaining direct impact on administrative decisions and redistributing power within the system. The AAUP organization at Rutgers was viewed as a means to preserve institutional independence against pressures to develop an integrated system for all public higher education in New Jersey.[15]

Summary

Each college which has entered collective bargaining presents a unique case. There are local conditions which are never exactly duplicated at other colleges. Nevertheless this review of literature does provide some understanding of the general conditions which are important in the development of collective bargaining: conducive legal environment, organizational support, growth of unions at lower educational levels, faculty dissatisfaction, and a decrease in institutional autonomy.

## Collective Bargaining and Authority in the University

In addition to exploring the fact of collective bargaining in higher education, it is also important to examine what seem to be some of the consequences of this phenomenon. What does collective bargaining portend for the university? Will the impact be a short-term one in the areas of budgeting and faculty termination? Or will there be basic changes in the organization and distribution of authority? The rest of this paper will argue that the implications of collective bargaining on the distribution of authority are significant and basic. It has been important to understand the causes of collective bargaining because its implications are crucial.

The definition of collective bargaining, earlier provided, focuses on the decision-making aspects of administration. Legitimate decision-making implies a right to make decisions. Some members of an organization are perceived as appropriate decision-makers with respect to some decisions but not others. In a

university a faculty member is generally recognized as having the right to decide the content and method of his teaching but not as having the right to decide the non-academic behavior of students.

Authority is the perceived right to direct behavior, which right is accepted by both those who initiate and those who act upon directives.[16] Zaleznik locates authority within the more general concept of influence.

> Influence is a term with wider and broader connotations than authority. Any successful direction or alteration in behavior represents influence whether it is seen as legitimate or in violation of accepted values and quite apart from the means used to alter behavior. In this sense, all authority is subsumed under the term influence, but there are certain types of influence, mainly coercive, which are not considered authority.[17]

This discussion will center on non-coercive influence or authority. If force is required to implement a directive, power rather than authority is being invoked.

Authority is a rational concept, that, its efficacy rests on reason rather than might. The essential question is: On what reasoning does authority rest? Can the reasons be categorized? Zaleznik distinguishes two types of authority: Hierarchical and professional. "Hierarchical authority vests power, or the potential for influencing others, in individuals who occupy specific positions in organizations."[18]

> Positional /hierarchical/ authority arises from the implicit or explicit agreement among members of an organization to designate the rights of individuals to direct the activities of others within prescribed limits. When a person joins an organization, he anticipates that he will receive direction from persons designated as superiors in the organizational hierarchy. It is part of the employment contract. Partly as a means of supporting this authority, the holders of given positions are granted the right to dispense certain organizational rewards and punishments, such as, dismissal, remuneration, and promotion.[19]

This hierarchical or positional authority is a descendant of Max Weber's concept of authority of office.[20] In simple terms, the concept holds that the "boss" has the right to give orders regardless of his ability to give correct or accurate direction. The fact that he is the boss gives him the right to direct. Authority is based on position.

That this positional authority is accepted appears to grow out of the need for order in human organizations. Simon devotes an entire volume to this topic. For him authority is "in charge of unifying common action through rules binding on all."[21] He sees the need for authority as intrinsic to human groups. The value of authority thus flows from the common good of the group. Authority's special function is to articulate the "common good" for a human group. In a secondary way it is involved in the selection among alternative means to the common good.

The second major type of authority is professional. In contrast to positional authority, this is based on an individual's ability to be effective in task accomplishments. In this system, the legitimate base to direct behavior goes to those who have the proven ability to be effective. This person may also be the leader, that, he may have positional authority as well, but this coincidence is not necessary. In fact in more complex organizations with sophisticated technologies, it is likely that the "boss" knows less about the task than the professional involved in the work itself. Thus it is possible and desirable that a person who is not in a hierarchical leadership position will exercise considerable influence over the behavior of organization members. (Hirsch and Peters discuss the concepts "in authority" and "an authority."[22] Etzioni refers to professional and administrative authority.[23] Victor Thompson works with hierarchical authority and authority based on expertise.[24] These different names basically refer to the same concepts.)

The reason behind professional authority is that the person who knows how to perform an activity has a right to direct others who do not know how. The value source is the same as for positional authority: the instrumental value of accomplishing a worthwhile goal (the common good).

While this simple distinction between hierarchical and professional authority seems to provide a neat distinction between organizational formats (one following

one type of authority; the other, another), the reality is less clear. In fact, what happens in modern organizations is that both types of authority are active in the same organization.

> Modern organization has evolved from earlier forms by incorporating advancing specialization. In an earlier period organizations could depend much more on the "line of command." The superior could tell others what to do because he could master the knowledge and techniques necessary to do so intelligently. As science and technology developed, the superior lost to experts the ability to command in one field after another, but he retained the right as part of his role.[25]

There is an hierarchically ordered set of relationships and there is a technically oriented set based on the professional competence and the inevitable interdependence of tasks. The over-all result is a conflict between the two types of authority. Thompson views this dual system as the quintessential characteristic of modern bureaucracies.

> Internally the bureaucratic organization is a complex structure of technical interdependence superimposed upon a strict hierarchy of authority.[26]

Collective bargaining can be viewed as a function of this conflict in higher education.[27] Faculty authority in the university has traditionally rested on the scholarly expertise of the faculty. Their right to direct the behavior of students and of each other grew out of their expertise and knowledge. The early universities were totally collegial in their decision-making with administration relegated to a minor and implementing role.

As American higher education has become more complex, administrative authority has grown and has come to be something apart from the authority of the faculty. Administrative authority is based on the position of an administrator in the hierarchy. Quite apart from his ability to make correct decisions, an administrator has the accepted right to do so.

This growing bureaucratization of higher education has led faculty to invent ways to bolster their role in the positional authority system upon which the bureaucracy is based. In some situations--for example, the University of California-Berkeley--this has taken the form of bureaucratic faculty organizations.[28] In other situations, faculty unions are being used to bolster the positional authority of faculty.

The importance of viewing collective bargaining from this perspective is to understand that faculty which have organized have chosen not to bolster their professional authority but to attempt to change the very basis of their authority within the university.

The five factors encouraging the growth of collective bargaining can now be placed in proper perspective. Conducive legal environment, organizational support, and unionization of lower levels are factors which facilitate the formation of faculty unions. Faculty dissatisfaction and loss of institutional autonomy are the key problems. In both cases faculty sense that their authority is lessened within the university. Inadequate wages and inappropriate working conditions are the results of decisions made not by faculty (professional authority) but by administrators (hierarchical authority). Loss of autonomy to state-wide coordinating bodies represents another increase of non-professional authority.

In response, some faculties have seized upon collective bargaining as a way not of challenging hierarchical authority but of participating in it. In what looks like an either-or choice, organized faculties have opted for a bureaucratic basis of authority.

NOTES

[1]Duryea, E.D., Robert S. Fisk and Associates, Faculty Unions and Collective Bargaining (San Francisco: 1973), p. 24.

[2]Philip W. Semas, "Union Is Given 50-50 Chance at U. of Mass.," The Chronicle of Higher Education, VII (April 30, 1973), p. 8.

[3]Ibid.

[4]Michael H. Moskow and J. Joseph Lowenberg, and Edward C. Koziara, Collective Bargaining in Public Employment (New York: 1970), p. 145.

[5]"Statement on Collective Bargaining," AAUP Bulletin, LVIII (December, 1972), p. 423.

[6]Ibid.

[7]Ibid.

[8]Robert K. Carr and Daniel R. Van Eyck, Collective Bargaining Comes to the Campus (Washington: 1973), p. 63.

[9]Ibid.

[10]Ibid., p. 52.

[11]Duryea, Fisk, and Associates, p. 142.

[12]William B. Boyd, "Collective Bargaining in Academe: Causes and Consequences," Liberal Education, LVII (October, 1971), p. 307.

[13]Ibid.

[14]Harry A. Marmion, "Unions and Higher Education," Educational Record, LXIX, (Winter, 1969), p.

[15]Duryea, Fisk, and Associates, p. 13.

[16]Ibid., p. 24.

[17]Gene W. Dalton, Louis B. Barnes, and Abraham Zaleznik, The Distribution of Authority in Formal Organizations (Boston: 1968), p. 37.

[18]Ibid., p. 148.

[19]Ibid., p. 43.

[20]Martin Albrow, Bureaucracy, (New York, 1968), p. 43.

[21]Yves R. Simon, A General Theory of Authority (South Bend: 1962), p. 48.

[22]P.H. Hirsch and R.S. Peters, The Logic of Education (London: 1970), p. 40.

[23]Amitai Etzioni, editor, The Semi-Professions and Their Organizations: Teachers, Nurses, Social Workers (New York: 1969), pp. x-xi.

[24]Victor Thompson, Modern Organizations (Austin: 1962).

[25]Ibid., pp. 1-13.

[26]Ibid., p. 19.

[27]Harold L. Hodgkinson and L. Richard Meeth, editors, Power and Authority (San Francisco: 1971), p. 23.

[28]Ibid., p. 105.

## II. COLLECTIVE BARGAINING ON CAMPUS: FOCUS ON PART-TIME FACULTY

by
Jane Muller

One of the basic issues involved in collective bargaining under the National Labor Relations Board has been that of the determination of the proper scope of the bargaining unit. The acceptance of the principle of majority determination within a defined group of employees and its corollary principle of denying bargaining rights to minority factions, make the determination of boundary lines of the voting groups very important. It is the purpose of this paper to explore one aspect of this issue, that of the position of the adjunct faculty member within the academic community of interest. Since the vote set forth by the unit determines who will represent the employees and what will be the scope and structure of negotiations, the determination of the position of part-time faculty becomes a fundamental concern to the parties involved.

### NLRB Involvement in Private Higher Education

In 1970, the National Labor Relations Board, departing from precedent and legislative intent, elected to enter the private sector of higher education. In the Cornell University case the NLRB extended its jurisdiction over the University in its relationship with non-academic employees.[1] Since that time the Board has ruled that it will extend jurisdiction over private educational institutions which have at least one million dollars of annual operating revenue.[2] In April, 1971, the Board asserted additional jurisdiction over academic employees of private institutions. Two branches of Long Island University were involved in this later decision: C.W. Post Center, and the Brooklyn Center. At that time the universities did not contest the jurisdiction of the NLRB, and the fundamental decisions

concerning the scope of bargaining units established the basic pattern within which the NLRB has subsequently formulated its decisions. Recently a Federal Appeals Court in Massachusetts has upheld the jurisdiction of the NLRB over private colleges.[3] This ruling, involving Wentworth College of Technology, and its sister institution, Wentworth Institute, was the first to be made concerning the NLRB decision of 1970 to extend its coverage to private colleges. In the Wentworth decision the Court declared that the 1970 case involving Cornell University was an exercise of the NLRB's discretion. This position was justified on the grounds that private colleges had gained a greater role in interstate commerce.

Unit Determination: Focus on Part-Time Faculty

The first instance where the Board needed to make a unit determination with regard to higher education came in the C.W. Post case.[4] In this instance the petitioner sought a unit composed of all professional employees engaged directly or indirectly in student instruction. The Board determined that the policy making and quasi-supervisory authority that full-time faculty exert as a group was not sufficient to classify the full-time faculty as supervisors. The Board found full-time faculty qualified as professional employees under section 2(12) of the Act and were entitled to the benefits of collective bargaining. The rules for unit determination applied in C.W. Post were the same as the Board had applied in industry since 1938.

> Self-organization among employees is generally grounded in a community of interest in their occupations, and more particularly in their qualifications, experience, duties, wages, hours, and other working conditions. The complexity of modern industry, transportation, and communication, and the numerous and diverse forms which self-organization among employees can take and has taken, preclude the application of rigid rules to the determination of the unit appropriate for the purpose of collective bargaining.[5]

The facts presented in the C.W. Post case were weighed against the standards stated above to determine if part-time faculty should be included in a unit with full-time teaching staff. The Board recognized that while part-time faculty could attend

faculty meetings and make themselves heard, they could not have the right to vote in policy determinations, could not achieve tenure, and did not enjoy fringe benefits of the full-time staff. Additionally, their part-time appointments were made on the basis of the university's need for additional staff, and their salaries were from one-third to two-thirds that of the full-time salaries per semester hour. Nevertheless the Board held that adjunct faculty were regular part-time professional employees whose teaching responsibilities were the same as the full-time staff; as such they were included in the faculty bargaining unit. The Board supported its reasoning by stating that neither differences in benefits, high ratio of part-time staff to full-time staff, nor additional employment elsewhere violates their inclusion in the same bargaining unit as full-time faculty.[6]

In a case involving the University of New Haven, the facts were quite similar to those of C.W. Post, but here the Board went even further, declaring that a unit was inappropriate unless it included part-time faculty.[7] In C.W. Post the decision was simply that it was permissible to include part-time faculty. In addition, the Board found that aside from the number of hours involved in actual teaching, the adjunct faculty perform their teaching assignments and work under conditions that appear identical with that of the full-time faculty.[8]

In a case involving the University of Detroit the Board agreed that it would be necessary to devise some test to insure that only those part-time faculty that have a continuing interest in the wages, hours, and working conditions of unit employees were eligible to vote within the bargaining unit. The resulting standard defined those eligible voters as faculty teaching three or more hours per semester, except in schools of law and dentistry, where to be eligible the professor had to teach at least one-fourth of the hours taught by a full-time faculty member.[9] This rule concerning the number of teaching hours has been applied to all decisions made by the NLRB until a 1973 case involving New York University when the Board overruled itself.

New York University and Policy Reversal

In 1973, without clearly delineating the parameters for its decision, the Board overruled its prior reasoning regarding part-time faculty. In a case involving New York University, the Board reasoned that there is no mutuality of interest between part-time and full-time faculty because of differences involving: (1) compensation; (2) participation in university government; (3) eligibility for tenure; and, (4) working conditions.[10] A limited number of facts were cited in explanation for the Board's conclusions. First, adjunct faculty, in the case of NYU, receive only a honorarium, and their salary and academic allegiances are elsewhere. Secondly, they are excluded from participating in the usual fringe benefits that full-time faculty have. Third, they do not share in the decision making of the university faculty senate; therefore they do not partake in the development of university policies. Additionally, some of the differences cited in earlier cases concerning part-time and full-time faculty were cited, only in this case they were cited as reasons for a lack of community of interest; non-eligibility for tenure, differences in work loads, and general faculty responsibilities.

It seems somewhat ironic that the Board, in reversing its traditional stand in the New York University case, turned again to its former guidelines for unit determination, but in this case reversed its prior decisions while utilizing the same guidelines.[11]

As one peruses the guidelines it appears that they can be readily applied to favor either inclusion or exclusion of the part-time staff. One dissenting opinion in the New York University case extended the viewpoint that it seemed incongruous that the majority of the Board found enough community of interest to include professional librarians in the unit of full-time faculty when these individuals actually have a totally different relationship with the students.

In an attempt to explain its reversal the Board declared:

> Our abandonment of the New Haven rule is the result of arguments and contentions advanced by the parties in this and other pending cases as to the function, nature and character of part-time faculty members. We have also been influenced by the Board's inability to formulate what we regard as a satisfactory standard for determining the eligibility of adjuncts in Board elections.[12]

Subsequent decisions in Catholic University, and Fairleigh Dickinson University have supported the Board's decision in the New York University case without clearing up any confusion concerning the Board's decision to reverse earlier precedents.[13,14]

Dissenting Opinion

Two dissenting opinions, that of Chairman Miller and Board member Fanning serve to highlight some of the unresolved issues left in the wake of the Board's decision.[15] Chairman Miller's dissent expressed concern over the fragmentation that he believes will be the result of the Board's majority opinion. His concerns focused around the seeming disenfranchisement of the part-time faculty which he felt would result in diminished bargaining stability. Additionally, Chairman Miller was concerned about the possibility of the formation of additional units composed of those faculty and personnel that were not included in the overall faculty unit. He raises the question of conflict between these resulting units; conflict that would lead to argument over the same issues.

At the same time, Chairman Miller did not find the separation of certain professional units from that of the main body of faculty as inconsistent with the congressional intent of the Act. One wonders the extent to which such exclusions can be justified according to congressional intent when the legislative history does not indicate intent to extend the NLRB's umbrella of protection to higher education.

Chairman Miller states a case for recognition of the fundamental nature of the job of all faculty. He argues that the very nature of faculty work is such as to make it necessary that they band together as a community of scholars for the purpose

of speaking to academic concerns. Given this basic faculty commitment the Chairman concludes that a false dichotomy has been imposed by the majority Board decision when it separated the adjunct faculty from the full-time faculty.

Board member Fanning, on the other hand, focused his dissent on the fact that the Board's decision offered no basic guidelines for the determination of the real differences between full and part-time faculty. He contends that tenure is really the issue at stake, a factor that he does not think should be part of the decision. Mr. Fanning concludes that the basic concern of all faculty, part-time and full-time alike, is teaching. As such the faculty voice should be united in the bargaining effort. The Board, according to Fanning, ought to be concerned with supporting the total faculty community of interests; since teaching is the concern basic to all. Fanning also argues that the financial pay differential for part-time faculty is not disproportionate in comparison to that of full-time faculty. Additionally, Fanning raises the issue as to whether the faculty role in determining university policy ought to be considered at all. Fanning contends that the issues decided on in collective bargaining negotiations are the only issues that should be relevant to the determination of a community of interest. Therefore, if the Board decides matters of a policy are necessary for negotiation this would effect the community of interest between the part-time and full-time faculty. As such, any false dichotomy of the faculty will serve to dilute their unified concerns over policy.

Discussion

The Board, in its decision with regard to New York University, departed from traditional unit determination guidelines. This departure represented the Board's attempt to address itself to the special concerns of higher education. In justifying its decision the Board admitted that:

> Wisdom too often never comes and so one ought not to reject it merely because it comes too late.[16]

The position of the part-time faculty member with regard to the collective bargaining unit is only one of several issues of special concern to higher education. Additional issues include: (1) management of non-teaching personnel; (2) determination of faculty managerial role; (3) management of multi-campus institutions; and, (4) determination of the student's role in campus collective bargaining.[17] The question seems to be, to what extend can a bargaining unit be fashioned so as to maximize the reflection of a true community of interest?

Section 9(b) of the NLRB directs the NLRB to decide what constitutes an appropriate bargaining unit so as to assure employees the fullest freedom in exercising the rights guaranteed by the Act.[18] In making this determination the Board considers the employees' common employment interests as evidenced by similarities of skills and working conditions. Additional consideration is given to the grouping that the employees and employer have followed in past bargaining, and the desires of the employees who are to be affected.

In addition, section 9(b) declares that professional employees may not be included in a unit of non-professional employees, unless a majority of professional employees vote to be included. Broadly, the Act defines the professional employees as lawyers, doctors, architects, engineers, and others who must have completed a "prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or apprenticeship."[19]

In general, the bargaining unit must be reasonably homogeneous and representative of similar interests concerning the bargaining issues. This similarity has come to be called a community of interest. Within the sector of higher education it becomes difficult to define the community of interest with the same precision that can be applied in the industrial sector. The faculty of a college constitute a group of experts in various fields of endeavor; their training and educational

backgrounds are different, each approaches his subject differently, and professional allegiances vary. Additionally, since there is no commercial counterpart to higher education, and traditionally faculty have considered themselves partners with administration in the educational enterprise, it becomes a dilemma to define which campus personnel constitute the supervisor category under the Act. The Board addressed itself to the larger issue of unit determination, and the faculty community of interest, in the discussion regarding the formation of separate professional units in the case of New York University.

Applying the Board's reasoning in relation to Syracuse University also to the case of New York University, the Board held that a separate law faculty unit would be appropriate, but that it would also be appropriate for the law faculty to join in the overall unit if that was the desire of a majority of the faculty at the law school. In reaching this conclusion, the Board made reference to the paramount allegiance of the faculty to a particular academic discipline. Additionally, in departing from its reliance on traditional means of determining units, the Board stated for the first time that colleges and universities might deserve special attention:

> Heretofore we have recognized that faculty, whatever the differences, are nonetheless employees and that, as in the industrial model, they have a legitimate interest under the Act in their terms and conditions of employment. Yet, the industrial model cannot be imposed blindly on the academic world. The basic interests recognized by the Act remain the same, but their interrelationship, the employee-employer, and even the employee-employee relationship do not fit the industrial model.[20]

The Board goes on to note that the paramount allegiance of faculty may well be to an academic discipline, and that faculty frequently forego economic benefits in order to pursue intellectual goals. If academic allegiance to a discipline is a criteria for unit determination, is it not true that part-time faculty share equally with full-time faculty this academic concern? In the Board's view, these factors

make it necessary to design special procedures to protect faculty interests. What future direction might the Board's recognition of disciplinary allegiance lead collective bargaining on the campus? Theoretically, it could result in an increase in unit fragmentation as faculty make claim to their disciplines as their primary community of interest.

On the other hand, the result might perhaps more realistically be that university administrators will try hard to avoid any connection whatsoever with collective bargaining under the NLRB; viewing as impossible the situation in which they could be required to negotiate over the same issues with numerous factions of the campus.

Conclusion

The Board, in the New York University case, broke from its traditional allegiances to the process of adjudication and allowed for the presentation of oral arguments.[21] The result was the admission of more material evidence pertinent to decision-making. In the past, inconsistent positions have been taken by the various universities and labor organizations over the issue of part-time faculty. These inconsistencies have prevented the Board from having a consistent perspective on the problem. For example, in the C.W. Post case the AAUP argued for inclusion of adjunct faculty, while in the case of New Haven University they argued for exclusion of the same group. It seems significant to note, at least in passing, that in the University of New Haven case it was determined that part-time faculty taught 53% of the credit courses and actually outnumbered full-time faculty members.

While the new policy with regard to part-time faculty is important to the future of collective bargaining on the campus, the Board's decision left open many questions concerning interpretation and application of the rule. Additionally, recognition of disciplinary allegiances as a primary concern in unit determination could open a pandora's box of narrow concerns for negotiation.

The questions raised concerning the role of the part-time faculty member serve to highlight some of the broader issues involved in unit determination. Perhaps the dissenting opinions serve to delineate more pertinently what these remaining concerns are. While the potential for fragmentation of units may make campuses leery of collective bargaining it seems that if bargaining does come to the campus some workable solution needs to be devised to offset the potential chaos that could result if the administration were forced to deal with multiple units. Perhaps a more viable alternative would be the formation of a joint bargaining committee with the various campus factions assured an opportunity to voice concerns through proportional representation.[22] The case of New York University may represent the good intent of the Board to recognize the special concerns of higher education. However, whether such recognition will become meaningful remains to be seen.

NOTES

[1]Tice, Terrence, Faculty Power: Collective Bargaining on Campus, Institute of Continuing Legal Education, Michigan, 1972.

[2]Ibid.

[3]Chronicle of Higher Education, April 21, 1975.

[4]189 N.L.R.B. 109.

[5]3 N.L.R.B. Ann. Rep. 157 (1938).

[6]Boston College Industrial and Commercial Law Review, Case Notes, December 1973.

[7]Ibid.

[8]Ibid.

[9]Eames, Patricia E., "The NLRB in Higher Education," University of Toledo Law Review, Spring 1974.

[10]205 N.L.R.B. 16.

[11]Op.Cit., Boston College Industrial and Commercial Law Review.

[12]205 N.L.R.B. 16

[13]205 N.L.R.B. 19

[14]193 N.L.R.B. 566

[15]N.L.R.B. Decisions, cited 1973 CCH N.L.R.B. Labor Law Reports, 7-13-73.

[16]Kahn, Kenneth, "The NLRB and Higher Education: The Failure of Policy Making Through Adjudication," 21 UCLA Law Review, October 1973.

[17]Collective Bargaining in Postsecondary Educational Institutions, A Resource Handbook, Education Commission of the States, March 1974, Report No. 45.

[18]Abodeely, John E., The NLRB and the Appropriate Bargaining Unit, University of Pennsylvania, Wharton School Industrial Research Unit, Report No. 3 in Labor Relations and Public Policy Series, 1971.

[19]Ibid., p. 212.

[20]Op.Cit., Toledo Law Review.

[21]Op.Cit., Kahn, Kenneth.

[22]Ibid.

## III. THE ROLE OF STATEWIDE GOVERNING BOARDS IN LOCAL COMMUNITY COLLEGE COLLECTIVE BARGAINING: CALIFORNIA POSSIBILITIES

by
Lawrence Raful

Many of the recent articles and books dealing with collective bargaining in higher education have examined labor relations at the institutional level. Yet, with the growth of statewide coordination and governance of higher education, the question arises as to whether the institution can continue to bargain unilaterally at the local level without consideration of no approval from statewide boards. This paper first deals with the collective bargaining role of statewide boards in one branch of public higher education, the local community college, and then examines California as a case study of the potential relationship between state boards and local trustees in collective bargaining.

One of the most difficult aspects of the current rush towards collective bargaining on campuses is the identification of "management." Many authors and labor leaders have said that collective bargaining is an adversarial, and not a collegial, process. In an adversary system, there must be at least two distinguishable sides, and these are defined in the private industry sector without much difficulty, although the National Labor Relations Board still hears cases each year dealing with problems of management and bargaining unit determination. Carr and Van Eyck have looked at this problem as it relates to higher education, and from their research, they conclude that the term "management" is an even more ambiguous term in higher education than it is in the industrial setting.[1]

Who is the logical choice to fill the role of management in higher education? In the case of community colleges, Cohen writes that because they administer the district, the board of trustees or governing board should be recognized as

"management" in the bargaining situation.[2] But this simple solution may not really be the solution, because so many factors are involved, including local practices, state laws, and national and state labor relations boards' rulings.

One of the problems that Cohen identifies if boards of trustees are viewed as management in the bargaining process is that there is a lack of identification with the management concept among trustees and board members. This lack of identification by the board may be due to the administrators having established themselves as "management" and to administrative reluctance to relinquish powers and prerogatives to others during collective bargaining sessions. As it now stands, the common practice is to let the chief administrator handle the selection of the management team, and many chief administrators sit on the team or head the team.

The chief administrator may sit at the bargaining table, not because he wishes, but because the faculty unit has insisted that he sit there and head the team of management as a sign of respect for the faculty and as evidence of a good faith effort. Cohen reports on a number of collective bargaining agreements where the faculty unit has not only insisted on the presence of the chief executive but has also requested that members of the governing board be present. Carr and Van Eyck have also reported this trend, and noted that "in higher education...there has been a strong inclination to draw at least some of the members of the...negotiating team(s) directly from the institution's governing board."[3]

There is not, however, total agreement concerning the need for the presence of trustees or the president at the bargaining table. Many veteran negotiators oppose the presence of the president on the management team. The president may be the symbol of the college's management, but his presence may lead to increased anxiety and, possibly, bitterness and personal attacks. They propose that the president should not be on the team but should remain in close touch with the members of the management team. Carr and Van Eyck propose that this strategy of staying aloof yet

concerned will enable the bargainers to produce an agreement the president can live with.

Karl Jacobs, in a chapter in Faculty Power: Collective Bargaining On Campus, also argues that board members should not be on the team. Rather, he suggests that they act as a "court of last resort" and leave the negotiating to a professional negotiator, who can include on the team the college personnel he feels he will need to contact.[4] Andree adds that even more dangerous is the presence of individual board members during the bargaining process, and he reminds those that may wish to take this route that no board member has rights and privileges to bargain collectively as an individual trustee. The only action he may legally take is as a member of the board.[5]

In the context of these comments, what may one say about the role of the statewide governing boards? Jacobs argues that no member of a statewide board should become involved with collective bargaining, because board members are too political, and they would not offer good leadership. This statement is too sweeping, because there are many different types of governing boards, and general statements concerning the make-up of their membership do not hold true for all. Wattenbarger and Sakaguchi have identified four types of state boards which are concerned with community colleges: boards responsible for all state community/junior colleges only, boards responsible for all state institutions of higher education, boards of state university systems, and boards responsible for all public educational institutions. They also break these down into types of boards according to the breadth of powers: governing, coordinating, or governing-coordinating.[6]

Most of the state boards that have responsibility over community colleges were classified in the survey as coordinating rather than governing, and "a majority of boards (of these types) assume primary responsibility in only three areas: developing budget recommendations, allocating/reallocating legislative appropriations, and

establishing criteria for new colleges."[7] Because almost all of these boards give the community college full authority over matters relating to faculty and salary, it would seem that the state boards should not have a role in the collective bargaining of each campus.

Wattenbarger has questioned whether merely giving the local governing board the power over salary and personnel matters is really relinquishing power at all. Clearly "the most visible trend in the development of community college systems is that of an increasing responsibility for governance at the state level."[8] The article presents evidence that a conflict may arise between the growing power of the state boards and other decision-makers in various state agencies, and the traditional notion of institutional autonomy that community colleges have enjoyed. The Carnegie Commission also questions the practicality and efficiency of the divided responsibility that comes from sharing financial and legal responsibility of locally administered community colleges.

In the states where community colleges are state-run institutions, there is less of a problem of divided responsibility. For example, Helland cites the experience in Minnesota, where all 18 junior colleges in the state are controlled by the state governing board. In April, 1973, the Minnesota Junior College Faculty Association representing all 18 junior college faculties signed a collective bargaining agreement with the Minnesota State Board for Community Colleges. Even though some faculty fear that the method of bargaining at the state level did away with much of the faculty's traditional right of local governance through faculty councils, most members of the system were pleased with the trouble-free nature of the bargaining.[9]

The problem is of a much more serious nature in those states where the responsibility is shared. Can the governing board of a community college district agree to a collective bargaining agreement that may include the management rights

of the state board? Collective bargaining agreements may include, as Vladeck and Vladeck have suggested, the provision that the legislature and the board of governors reserve all their power and authority and the duty to adopt rules and regulations necessary in the administration of all college activities.[10] But does this type of split bargaining authority really solve the problem, or does it only create more complications for the collective bargaining process?

California has such a community college system, and because of that condition it presents an interesting case study. The community colleges are creations of the voters of local school districts, and are controlled by a locally elected governing board. But there is also the Board of Governors of the California Community Colleges, a statewide coordinating board that has certain legislatively mandated powers over all California community colleges. While the situation in California is not as complicated as it might be, because public employees can not engage in collective bargaining, it is this type of system that presents the greatest potential for conflict if collective bargaining becomes a way of life.

At the present time, in California the Winton Act allows employees of public educational institutions the opportunity to "meet and confer" on all "matters relating to employment conditions and employer-employee relations." This method of dealing with labor issues is described by Zeff as "discussions leading to unilateral adoption of policy by a legislative body...(taking) place with multiple employee representatives rather than an exclusive bargaining agent."[11] In contrast to the obligatory nature of collective bargaining, the California method allows for negotiation, although no agreement is binding until approved by the governing board. Furthermore, the courts in California have ruled that the section covering meet and confer rules means exactly that, and does not allow for collective bargaining. California Federation of Teachers v. Oxnard Elementary Schools, 77 Cal. Rptr. 497 (1969).

Even though California does not have collective bargaining laws, the meet and confer method appears to produce similar results. Zeff has calculated that matters which are negotiated on a meet and confer basis cover an estimated 75 percent to 90 percent of a school district's operating budget, and that these sessions have appeared to strengthen tenure, the merit system, and civil service within the state. At the community college level, the legislative intent that the faculty senates have a voice in recommending district policies and professional matters to the governing boards seems to have worked out for the benefit of the faculty.

The management teams for the meet and confer sessions differ from one community college district to another, but almost all are appointed by the chief administrator of the district, and usually include that person and the business officer of the district. The role of the district governing board has until this time been quite limited, and the role of statewide boards has been nonexistent. Will the role of the Board of Governors change when the California labor relations law changes from meet and confer to collective bargaining? To answer that question, it is necessary to identify and describe that nature of that board.

The Board of Governors of the California Community Colleges was created in 1967 by the enactment of California Education Code, Chapter 1.5, Sections 185-198. Section 193 states that "the Board shall have the power to adopt such rules and regulations...to enable the board to carry out all powers and responsibilities vested in it by law." The stated intent of the legislature was to provide leadership in maintaining and continuing local autonomy and control in the administration of the community colleges. Cal. Educ. Code Sec. 196. In spite of this intent, Brossman and Roberts reported that many community college administrators feared that the Board of Governors would end local control. However, this opinion, which may be slanted because Brossman is the Chancellor of the California Community Colleges, is that the Board of Governors "has demonstrated that it is one of the

most effective bulwarks against state control of the California Community Colleges."[12] It is interesting to note that this attempt to allow continued autonomy has resulted in the charge being levied that the Board lacks agressive leadership. Most people in government in California, and many administrators at the community college level, do not know about the legislative intent, and believe that the Board of Governors has the power to exert control but chooses not to.

Wattenbarger and Sakaguchi list what they have observed to be the primary and secondary roles for the Board of Governors. Primary roles include budget recommendations to the Governor and legislature, setting criteria and standards for new colleges, allocation and reallocation of state funds, new service program standards, setting grading policies, and setting probation and suspension policies for students. Secondary roles include establishment of new colleges, approving the program and facility master plans, and approval of all new courses and educational programs. The Board of Governors has no role in institutional budgets, Federal project applications, professional salary schedules, tenure, promotion, and the award and termination of appointments.

These are the same basic roles that were set out in the 1968 study conducted by the California Coordinating Council for Higher Education. However, they went further in defining the duties and responsibilities that they felt the Board of Governors should include in their definition of Section 193. This document has formed the basis of many of the actions the Board of Governors takes, and it will be examined later in this paper.[13]

Brossman and Roberts cite as the major strength of the California system the fact that there is a clear delineation of functions between the Board of Governors' operations and the local governing board's control. In fact, they say that "(I)n more than five years of operation, the Board of Governors has never made an important decision of statewide impact without first testing it against the touch-

stone of local control."[14] Although the local boards now handle all personnel matters, Brossman's claim may not be valid when collective bargaining comes to California. If the state administrators prepare for the fact that collective bargaining is almost sure to come to California, and if they recognize the potential for conflicts that will arise when that happens, they may have a chance to prepare for this new condition and attempt to revise regulations in order to limit points of conflicts.

One of the major problems in the future in California will be that of determining the role of the Board of Governors in local collective bargaining. It has been a problem in other states, and there is no reason to believe that California will have any different experience. First, there is the obvious problem of who will bargain for management. In California Senate Bill 275, the collective bargaining bill that is given the best chance for passage in 1975, the specified public employer is the Governor or his designee. Does this mean that the Board of Governors will be the designee, and then they will have to designate each local board as their agent in each community? Or will the Board retain full control?

One question that has been raised is, why should the Board of Governors have any role at all? It is clear that the Board of Governors has certain responsibilities at the local level, but in the area of personnel the statutes appear to leave all of those duties to the local boards. Those with collective bargaining experience know that having responsibility only for personnel duties does not begin to cover all of the bargainable issues of collective bargaining; the scope of the bargaining has come to involve more than salary and fringe benefits. As was already stated, the local board does not have the right to bargain away something it does not have, namely, the management rights of the Board of Governors.

Two of the major areas of bargainable issues that affect the jurisdiction of the Board of Governors are finances and teacher standards. In the area of financing,

the Board's main concern is with Cal. Educ. Code Section 25510, which states that the Board of Governors shall adopt rules and regulations fixing minimum standards entitling districts to receive state aid for support of community colleges. The actual allocation of the money is not through the Board of Governors, but set out in a formula contained in Cal. Educ. Code Sections 17851 and 17666.2, which directs the State Superintendent of Public Instruction to allow to each district a certain amount based on the average daily attendance (a.d.a.) at the community college. However, even though the Board of Governors does not handle any money directly, they do set up the regulations governing minimum standards of what each college should need, and also the Board is responsible for the total state community college budget request to the legislature.

The state does have a stake in the local community college. At the present time, as Medsker and Tilley report, state aid accounts for 32 percent of the income of the California community colleges, with the Federal Government adding 3 percent and the local taxpayer making up the largest chunk at 60 percent, with 5 percent from other sources.[15] Brossman and Roberts would like to see the state percentage increase to 50 percent, and the combined Federal and local contribution to make up the other half, although they admit that with this development, there might be opposition because many people fear the increase of state control, and perhaps total state control, as with the University of California and the California State Colleges and University system.

In this respect, California will have to come to a decision about what is wanted for the community colleges. The concept of local control is still probably appropriate for the elementary and secondary schools, although there is increasing control at the state level for these schools also. But some writers have charged California with neglect of the community college system and its educational program by continuing the local control model, offering as a better model, state control and development of

all higher education. If the state wishes the community colleges to be more than 13th and 14th grade, the suggestion is that the program be moved into the jurisdiction of higher education experts and not secondary school trustees. If this happens, the Board of Governors will be most important in control of community colleges.

The other area in which the Board of Governors has an interest is professional credentials and academic programs. The Board has duties in these areas, which are certainly bargainable issues, under Cal. Educ. Code Sections 13200.51-13200.58, 13220, 13480, and 25515.5. In the relation to teachers, the Board of Governors has the duty to "establish minimum standards for the employment of academic and administrative staff in community colleges," and has enforced that duty by establishing the standards for obtaining credentials to teach in the community colleges. The Board has the power to regulate the standards for the enforcement of this section, and it is one area that the local boards could not bargain about without first consulting the Board of Governors. Furthermore, under Cal. Educ. Code Section 13480, the Board of Governors has the power to set the standards for the evaluation of all certificated personnel at the community college level. This is another area that many faculty unions bargain about, but it is again clear that the local boards could not make any changes in the procedures unilaterally.

The local districts may employ non-credentialed persons under one section of the law, but only for a certain amount of time and only on special conditions. Thus, while it seems that the local governing board may have a loophole in hiring personnel without following the guidelines of the Board of Governors, it is a very limited loophole.

The faculty union may also wish to bargain about the power to make the district master plan, but again, this could only be in an advisory status, for the district master plan must be approved by the Board of Governors under Cal. Educ. Code Section

25427. In addition, each educational program and every course offered at a community college that is not part of an approved educational program must be submitted for approval to the Board of Governors under Cal. Educ. Code Section 25515.5. The enforcement provision of this section is quite substantial, for under Section 25516.5, the state cannot pay any state funds to any district based on the a.d.a. of students enrolled in courses not approved by the Board of Governors. It appears from these sections that the Board of Governors has substantial interest in the academic nature of each community college, and the Board holds certain management rights that would need to be bargained about in collective bargaining.

There is one additional area in which the Board of Governors has a legal duty which may be applicable to collective bargaining at the community college level, and that is the nature of collective bargaining itself. Cal. Educ. Code Section 200.22 states that the Board of Governors "shall establish minimum procedures to be used by district governing boards to insure faculty and students the opportunity to express their opinions at the campus level and to insure that these opinions are given every reasonable consideration." The Coordinating Council for Higher Education document translates this section to mean that the Board of Governors must set procedures for the formation of faculty senates, for rules under meet and confer sessions, and to insure student participation. If this is true, will the Board also set procedures for collective bargaining sessions? But, can the Board of Governors order the participation of students in such sessions? Brossman seems to read the statute this way, because he writes that it is the "responsibility of the statewide board to insure due process is observed on each campus." In addition he suggests that the Board has the duty not only to insure the participation in the decision-making process by faculty and students, but other members of the community college as well, which means non-certified and classified employees.[16] Taking the sequence one step further, must the Board of Governors assure the collective bargaining rights of faculty, staff, students and others in order to legally make a decision on campus?

In the area of grievance procedures, the Board of Governors also has an interest. Cal. Educ. Code Section 25490.10 states that the Board shall govern the "employment, rights, responsibilities, dismissal, imposition of penalties for persons employed by a community college district." If this is taken to its logical end, then the faculty union may not be able to bargain about the grievance procedure it wishes until the Board of Governors sets the guidelines for such procedures.

Thus, it appears that there are many traditional items that would be listed as bargainable issues by a faculty union which involve the participation of the Board of Governors of the California Community Colleges. Although collective bargaining has still not come to California, when it does the Board of Governors will be faced with the decision of how much part they should play in the negotiation of a bargaining agreement at the local community college level. And if the Board of Governors does decide to play a part, then the state will be faced with the question of whether the local control of community colleges is the best method of serving the educational needs of citizens of California.

NOTES

[1]Cf. Robert K. Carr and Daniel K. Van Eyck, Collective Bargaining Comes to the Campus (Washington, D.C.: American Council on Education, 1973).

[2]Cf. Arthur M. Cohen, et al, College Responses to Community Demands (San Francisco: Jossey-Bass Publishers, 1975).

[3]Ibid., p. 159.

[4]Cf. Terrance N. Tice (ed.), Faculty Power: Collective Bargaining on Campus (Ann Arbor: The Institute of Continuing Legal Education, 1972).

[5]Cf. Robert G. Andree, Collective Negotiations (Lexington, Mass.: Heath Lexington Books, 1970).

[6]James L. Wattenbarger and Melvyn Sakaguchi, State Level Boards for Community Junior Colleges: Patterns of Control and Coordination (Gainsville, Fla.: Institute of Higher Education, 1971).

[7]Ibid., p. 21.

[8]James L. Wattenbarger, "Who Really Has The Power," Community and Junior College Journal, 44 (October, 1973), p. 10.

[9]Phillip C. Helland, "Minnesota's Statewide Board-Faculty Contract," Community and Junior College Journal, 44 (December/January, 1974), p. 15.

[10]Cf. Judith P. Vladeck and Stephen C. Vladeck, Collective Bargaining in Higher Education - The Developing Law (New York: Practising Law Institute, 1975).

[11]Ophelia Zeff, "California's Alternative to Collective Bargaining for Teachers: The Winton Act, 1965-74, and Proposals for Change," Pacific Law Journal, 5 (July, 1974), p. 700.

[12]Sidney W. Brossman and Myron Roberts, "California Raises a 'Family' of Community Colleges," Compact, 8 (January, 1974), p. 29.

[13]Cf. California Coordinating Council for Higher Education, Appropriate Functions of the Board of Governors of the California Community Colleges and of the Local Junior College Governing Boards, Report no. 68-22 (December, 1968).

[14]Brossman and Roberts, op. cit., p. 29.

[15]Cf. Leland L. Medsker and Dale Tilley, Breaking the Access Barrier (Berkeley: Carnegie Commission on Higher Education, 1971).

[16]Cf. Sidney W. Brossman, Governance and Coordination of California Higher Education (Los Angeles: California University, ERIC Document no. Ed 086 299, 1974).

## IV. WOMEN, COLLEGE FACULTIES, AND TENURE

by
Donald C. Scott

In the past two years, approximately 25 major books and countless articles have been written about women and education. Studies have dealt with topics from the earliest stages of elementary education to the place of women in higher education as graduate students and faculty members. The majority of the writing about women in higher education has focused on the inequalities of admissions procedures and of financial aid, and on acceptance to graduate school and Ph.D. programs, but interest has turned recently to the place of women on faculties and the discrimination women allege to be rampant on all campuses and universities of this country.[1]

Women writing on these subjects contend that for all intents and purposes, women have been excluded from the decision-making process in American education for generations. They maintain that women have not been able to participate equally in the benefits and rewards of higher education, and that women have a great deal more to lose if they do not take action at this time of change for higher education in America.[2]

For the most part, women are less readily accepted for posts on most faculties, are paid less for more work when they do find a job, tend to have less opportunity to do research or finish their Ph.D.'s, have less opportunity for advancement within their chosen field or department, are practically never chosen to fill administrative posts in their department or at their university, regardless of how well qualified they might be, and are given tenure "only when there is no qualified man around, or because the woman is so brilliant that even a man must admit that she can teach and write 'almost' as well as he."[3]

The Carnegie Commission has observed:

> Throughout the present century, women have been more likely to graduate from high school than men, but have been less likely to enter college. As we proceed from consideration of the undergraduate level to graduate and professional schools and to service on the faculties of institutions of higher education, we find relatively fewer women at every stage.[4]

Women are presently seeking to correct some of the imbalances that they believe have traditionally existed in education. The current debate over goals and purposes of higher education has particular relevance for women. Many of them are convinced that there is something wrong with a system that excludes one sector of the society from participation in the benefits of education. They are particularly incensed that "education of all places should be the scene of such intolerance. One would think that if a person were to be treated fairly, it would be at least in a college. But such is not the case, unfortunately for us all."[5]

Many women contend that radical changes must take place in the entire educational system and that firm quotas and meaningful, affirmative action policies must be enforced if women are ever to advance. Others support much more far-reaching changes in the structure. "There is something desperately wrong when men who teach half as much as women are granted tenure and those very same women are excluded because they spent their time in the principle endeavor of education."[6]

One of the major factors in the failure of women to advance to posts of responsibility in higher education appears to be their past reluctance to press vigorously for a greater share of the "academic pie." For a variety of reasons women have not been allowed to compete with men and have failed to advance as fast or as far as their male counterparts.

Kay Klotzburger has summarized the position of most of the writers on the subject in "Political Action of Academic Women":

> Academic women's groups are concerned almost exclusively with women's status within their professions. Their primary goals are to insure equal opportunity and to increase the participation of women in established professional groups. Having been outside for so long, they want access to the system rather than to change it. Such groups rarely set goals that go beyond the self-interests of women as professionals.[7]

Women are seeking to eliminate all barriers to promotion, pay or other rewards of the academic world, such as committee service, honors, membership in policy making bodies and appointments to administrative posts.

James C. Goodwin in a recent article in the Chronicle of Higher Education, writes about the "great white marshmallow of university structure that is antithetical to affirmative action."[8] He argues that the majority of universities across the country are ignoring women's demands for equal rights, and if they continue to do so, legal disputes will develop which will force institutions to comply with women's demands.

> At the heart of the resentment of many women against their present status is the fact that classifications and distinctions based on sex are not only discriminatory in themselves, but also lend institutional support to entrenched practices that ignore women as persons and treat them, consciously or unconsciously, primarily as sex objects and derivative people, not as full persons.[9]

With all the turmoil in reference to tenure that exists today, women contend that they have a unique opportunity to make some long awaited changes. Where there have been inequalities in the past, many women are of the opinion that if properly motivated and represented in the discussions about tenure, they can remove the barriers that have traditionally faced them in regard to tenure.

There is also, however, considerable resistance to suggestions that tenure patterns must be changed. Tenure is viewed as the ultimate reward for performance in the academic world and as the safeguard of academic freedom, and it provides the educational security that women have also traditionally sought. Although they may want to make changes in the tenure system, they are also concerned that they do

not "kill the goose that lays the golden eggs." Yet, women are firmly convinced that the academic reward system and the granting of tenure is biased toward behaviors and activities exhibited by men more often than by women.

Herein lies a dilemma--how to change the present system of tenure so that more women are permitted access to tenured positions, and yet how to avoid destroying the system through agitation for change.

According to studies by Helen Astin and Alan E. Bayer in Sex Discrimination in Academe:

> Rank was the most significant predictor of tenure. Independent of rank the length of employment at the respondents current institution largely determined allotment of tenure. Discipline was an important predictor of tenure. Compared to those in the biological sciences, education, and health related fields, persons in humanities, physical sciences, social sciences and business were less likely to have attained tenure whatever their rank or length of employment.[10]

Supporting these statements, the Carnegie Commission in its report, Escape from the Doll's House, notes that women tend to enter fields where tenure is granted at a lower rate than in other fields. Women are traditionally attracted to languages, humanities, social sciences, business and fine arts. In these fields women are granted tenure only half as often as are men with commensurate experience and training.[11]

Other studies indicate that the field of specialization chosen by a woman can determine whether or not she is granted tenure. Women do not only choose departments where tenure is granted less frequently, but they also tend to specialize in areas that are "non-tenure oriented." Women who majored in such areas are less likely to have become tenured, even if they have rank or length of service.[12]

The Carnegie Commission also discovered that women tend to receive tenure at an age considerably later than among men. Men for the most part receive tenure in their late 30s or early 40s, whereas women are often as much as ten years behind them in

this respect. In part, this variation may be explained by the fact that men are more heavily represented than women in the areas where tenure is traditionally granted at an earlier age. In such fields as the natural sciences, in which creativity tends to peak at an early age, tenure is granted at a much faster rate. Highly competitive fields in which women were poorly represented granted tenure at a faster rate, because promotion tends to take place earlier in these disciplines.[13]

Another factor that appears to influence the granting of tenure, and has had a negative impact for women, is related to the type of institution that a women is associated with. Women who find themselves in private sectarian (especially small Catholic women's colleges) and large public institutions or community colleges were more likely to be given tenure than women in other types of institutions, but still at only half the rate of men with commensurate experience and training in the same institutions.[14]

The April 21, 1975 Chronicle of Higher Education published figures that indicate that the state in which women live and work affects whether or not she is granted tenure. There appears to be a vast disparity between states. For example, states such as California and New York grant tenure at about the same rate to women as they do to men. Approximately 70 percent of the men and women on faculties are given tenure. But, in Mississippi, only 20 percent of the women are granted tenure compared to close to 40 percent of the men in higher education. The article also confirms studies that women fare better in public institutions than private ones, especially in the prestigious private institutions. However, the overall picture is still bleak for women. Overall, only about 26 percent of women are tenured on the faculties in institutions of higher learning compared to over 56 percent of all males on the same campuses.[15]

Another factor that influences granting of tenure, closely related to rank and length of service, is part-time versus full-time affiliation with the department.

According to studies done by Jacqueline Masefield, the majority of women in higher education do not receive tenure because approximately 70 percent of women in higher education occupy "non-tenured" or "non-ladder" positions; in the nature of the position in a department, they are not considered for tenure.

> Women have been inclined to accept marginal employment because the probationary period for an assistant professor exactly overlaps the childbearing years. Requirements for tenure, often rigidly defined and inflexibly administered, assume that the years prior to tenure require a full-time commitment so rigorous that the married women professional cannot hope to compete while rearing children. Because she hesitates to face a tenure decision after seven years, she accepts a marginal position.[16]

But there appear to be other reasons for the preponderance of women in these non-tenure positions. An institution may hire women part-time more readily than men for the following reasons:

> *many women in higher education were not able to finish their Ph.D.'s for one reason or another or simply never went on the post-master's work.
> *women do not desire in many cases to work full-time and the university is willing to hire them on a part-time basis for financial reasons.
> *it is more practical to hire women for these positions, as they are considered "secondary earners" and it is simpler to justify lower pay scales.
> *before 1970, then the former anti-nepotism rules were abolished, lecturer positions were the only positions open to certain women.[17]

Studies reported by the ERIC Clearinghouse have indicated that women often do not find out about positions that are likely to lead to tenure because most departments are dominated by men and these men consider their male counterparts before considering a woman. One of the major complaints of women's organizations is methods of recruitment. As men dominate most faculties, they turn exclusively to men from departments at their own university or at other universities from which they traditionally draw staff.

Many of the reports recommend that specific criteria for promotion that are restricted to performance in instruction and other aspects of teaching, in addition to research and scholarly publications be used as criteria for the granting of

tenure. These criteria should be applied to all members of the faculty, both male and female. Women do not, according to these reports, have effective grievance machinery. In addition, if such machinery exists, women are rarely if ever represented on the committees and panels that deal with the subject of tenure. Women, therefore, often feel alienated and frustrated as a result of their exclusion from the decision-making process.

In addition, women contend that their bargaining power is adversely affected by their lack of mobility. Women claim that they are more limited than men, because they cannot always "pull up stakes" and take a more lucrative offer at another university. If a woman is married, she has her husband and children to consider. For the most part, women claim that their husbands and society in general consider their career as secondary to their husband's career. Women maintain they are regarded as secondary salary earners and are not considered for and often do not strive to attain increased compensation or promotion.

The majority of the women writing on the subject have discovered some uncomfortable facts in reference to tenure granting procedures and the "myths that men have perpetuated about women in higher education." Women see these myths as responsible in part for the problems that they face today. Helen S. Astin, in her book The Woman Doctorate in America: Origins, Career, and Family, has noted that:

> Contrary to the folklore that training women is a waste of time and that many women do not complete their degrees once they begin them, we find that 91 percent of women doctorates are still in the labor force eight years after completing their degrees.[19]

Women contend that all the major varriers to tenure mentioned are extremely important. The major barrier to their advancement is, however, their lack of faith in themselves as intellectuals capable of doing any job that a man can do and the fact that men "are all too willing to agree with this assessment of the situation.

What then do women feel they must do to improve the situation and advance themselves? There have been a variety of proposals and suggestions for affirmative action. Women are attempting for the present to "raise the consciousness of all women to the inequalities that exist in higher education today."20 However, women are facing new barriers and experiencing considerable difficulties in many fields relating to higher education. They are aware that the issue of tenure is very closely related to the other issues that have captured the imagination of so many.

Women presently represent 27 percent of college faculty members. However, unlike many other minorities in this country and in spite of their increased consciousness and all that has been said and written about the subject of women in the past few years, it appears that their numbers are decreasing, rather than increasing. The percentage of women who had tenure in the late sixties was larger than it is in 1975. Women have expecially been losing ground in four-year colleges and universities. Needless to say, this has become a major concern to academic women. They are painfully aware that with the financial problems that face colleges and universities today, it is those who do not have tenure or have only part-time positions on the faculty that will be the first to go. "Last to come, first to go," applies all too well and too often to women faculty members. They are also concerned that in a tight job market "men will hire men before women whose husbands can and will supposedly begin to take care of her when the time comes that she might be relieved from her present employment."21

As has been previously mentioned, women for the most part occupy positions on faculties that are not protected by tenure arrangements. Alice Rossi has shown that proportionally twice as many men as women teach graduate students only, whereas twice as many women as men proportionately teach undergraduates. As undergraduate enrollments decline, women fear that their positions will be the first to go and that the trend of fewer and fewer women in higher education will accelerate rapidly.

Juanita Krepps is especially concerned about this problem in her book Sex in the Marketplace:

> Will such an imbalance in the supply and utilization of academic talent affect the status of women more adversely than men. A declining demand could reveal some sex-related differences in hiring policy that do not appear in a tight market.[22]

Many women writers are making proposals as to what can be done to help solve some of the problems they feel are facing them today. They accept and support current moves for reform of tenure and other aspects of higher education. They believe they have much to gain in these reforms. Juanita Krepps has identified three major proposals and points of view concerning what to do about tenure:

> some women believe that tenure should be abolished altogether and that a contract system should be instituted based on merit and performance only.
>
> there are those who wish to see tenure extended to all members of the faculty. Thus making protection universal and protecting women especially as they tend to be in the ranks of the part-time and non-tenured.
>
> to discontinue tenure altogether for those now entering the profession but to allow those who already have tenure to continue in that status. Those who are just entering the profession however must be adequately protected by specific conditions of employment.[23]

Women are also concerned that not only must tenure become more flexible and equitable, but they too must improve their credentials and qualifications for tenure. Some of the directions in which women feel they must move if they are to acquire sufficient bargaining power are consistent with the areas in which women find themselves most disadvantaged. Women believe they must do the following in order to improve their lot:

> enter the physical sciences, engineering, and hard sciences in general.
>
> choose education and humanities as a field of study less often.
>
> complete their doctorates more frequently than they have in the past.
>
> invest more time in research, leaving men to give greater emphasis to teaching.

> move from colleges into universities where salaries tend to be higher and research potential greater.
>
> move far more often from one institution to another.
>
> request administrative posts provided they do not preclude the research and writing necessary to increase opportunities for full professorship.[24]

Athena Theodore maintains that women are presently struggling for equal rights in four stages. (1) Sensitizing or conscious raising: attempting to bring to light the various aspects of sex-discrimination in academe especially with respect to tenure. (2) Seeking redress to grievances on employment discrimination and "unavailability of tenure for women" through institutional procedures, especially collective bargaining. (3) Seeking redress to grievances on employment discrimination through appeals to government agencies and courts especially supporting affirmative action programs that deal specifically with tenure policies. (4) Working off campus in the women's movement and through professional organizations by making others aware of tenure inequities in their chosen discipline.[25]

Women tend to consider the following arguments against tenure to be particularly relevant to their particular problems in regard to tenure:

> The tenure system in times of financial crisis, such as the present, diminishes the opportunity to recruit and retain younger faculty. In this respect, the system operates to the disadvantage of new entrants into the profession and makes it especially difficult to expand the representation of women and minority groups.
>
> Tenure tends to make professors more research oriented and less teaching oriented.
>
> The tenure system tends to perpetuate established disciplines, departments, and specialties and thus inhibits growth.
>
> The tenure system, by concentrating power in the hands of professors with permanent appointments diminishes the role of students and younger faculty and women in college affairs.[26]

In summary, women are today becoming increasingly sensitized to their role in higher education. They consider tenure to be one of the most important issues facing them today. They have identified rank, field of specialization, age, type of

institution where one works, type of position held, the tenure review process, methods of recruitment, and women's lack of mobility as factors responsible for women's position vis-a-vis tenure. They have also identified a number of areas in which they must take "affirmative action" if they are to improve their lot in the academic world. And they are aware that the tenure system itself must become more responsive to the needs of all minorities. Thus women, when it is all said and done, do not appear to differ dramatically from men in their attitudes toward tenure reform. They are, however, concerned that they have a say in whatever changes are made with reference to tenure and that women become more "involved in" and "a part of" the tenure system in higher education.

NOTES

[1]M.E. Tidball, "Perspective on Academic Women and Affirmative Action," Educational Record, vol. 54, no. 2, Spring 1973, pp. 130-135.

[2]E.L. Chalmers, "Achieving Equity in Higher Education Graduate Enrollment and Faculty Status," Journal of Higher Education, vol. 43, October 1972, pp. 517-524.

[3]J.E. Davidson, Women and Tenure: Never the Two Shall Meet, unpublished dissertation, Harvard University School of Education, 1975, p. 11.

[4]The Carnegie Commission on Higher Education, Opportunities for Women in Higher Education: Their Current Participation, Prospects for the Future, and Recommendations for Action, (New York: McGraw-Hill Book Company, 1973), p. 13.

[5]J.E. Davidson, Women and Tenure: Never the Two Shall Meet, p. 22.

[6]Ibid.

[7]Kay Klotzburger, "Political Action by Academic Women," Academic Women on The Move, Alice S. Rossi and Ann Calderwood, (New York: Russel Sage Foundation, 1973), p. 385.

[8]James C. Goodwin, "Playing Games with Affirmative Action," The Chronicle of Higher Education, 28 April 1975.

[9]Ibid.

[10]Helen Astin and Alan E. Bayer, "Sex Discrimination in Academe," Academic Women on the Move, p. 342.

[11]Saul D. Feldman, Escape from the Doll's House, (New York: McGraw-Hill Book Company, 1973).

[12]Helen Astin and Alan E. Bayer, "Sex Discrimination in Academe," Academic Women on The Move, p. 348.

[13]The Carnegie Commission on Higher Education, Opportunities for Women in Higher Education: Their Current Participation, Prospects for the Future, and Recommendations for Action, p. 115.

[14]Ibid.

[15]The Chronicle of Higher Education, April 21, 1975, p. 9.

[16]Jacqueline Masefield, "Many are Called, But Few are Chosen," Women in Higher Education, W. Todd Furniss and Patricia Graham, (Washington, D.C.: American Council on Education, 1974), p. 125.

[17]O. Fulton, Rewards and Fairness: Academic Women in the United States, Carnegie Commission on Higher Education, Berkeley, California, 1973.

[18]Jacqueline Masefield, "Many are Called, But Few are Chosen," Women in Higher Education, p. 124.

[19]Helen S. Astin, The Woman Doctorate in America: Origins, Career, and Family, (New York: Russell Sage Foundation, 1969), p. 37.

[20]J.E. Davidson, Woman and Tenure: Never the Two Shall Meet, p. 89.

[21]Ibid., p. 45.

[22]Juanita Krepps, Sex in the Marketplace: Academic Women at Work, (Baltimore: Johns Hopkins Press, 1971), pp. 61-62.

[23]Ibid.

[24]Juanita Krepps, "The Woman Professional in Higher Education," Women in Higher Education, p. 77.

[25]Athena Theodore, Academic Women, an unpublished manuscript, University of Massachusetts.

[26]Commission on Academic Tenure in Higher Education, Faculty Tenure, (San Francisco: Jossey-Bass Publishers, 1973), pp. 13-14.

## V. THE CHANGING PLACE OF FACULTY TENURE IN A PERIOD OF FINANCIAL CRISIS

by
James B. Hirsh

Although the roots of faculty tenure can be traced back to the emergence of the university and the guild of scholars in the late middle ages,[1] the development of a professionally oriented faculty and the concern for academic freedom and long-term appointments in America emerged only with the development of the American university in the late 19th and early 20th centuries. This discussion will focus on the development of the concept of faculty tenure in America during the 20th century in an attempt to understand how the concept of faculty tenure has been viewed by faculty and how the emphasis has shifted in response to differing pressures.

Tenure in America has come to involve two major components, the protection of a faculty member's right to conduct his/her classes and research free from outside interference (academic freedom) and the guarantee of a degree of job security which both enhances a person's academic freedom and aids in making the profession attractive to outstanding individuals.

While the American Association of University Professors has always viewed these two components as complementary and interdependent, the emphasis has shifted from one aspect to the other as faculty have responded to particular challenges. A study of the first twenty-five years of the AAUP's involvement in the development of formal tenure suggests that in times of financial stringency the job security aspect of tenure is emphasized, while in times of political controversy and threats, academic freedom is emphasized.

The idea of formal tenure was controversial when it was first introduced in 1915. It took ten years for the American Council on Education, representing college administrators, to join with the fledgling faculty group and support the concept of

tenure. Throughout the 19th century university administrators and boards of trustees, not to mention the faculty themselves, viewed the faculty members as hired help, people whose services could be dispensed with at any time. The growth of the university accompanied by an increasing professional identity on the part of faculty coincided with the growth of the Progressive Movement. Faculty members were taking stands on controversial issues, stands which, if in opposition to some powerful individual, often led to the faculty member's dismissal. Responding in part to these conditions, faculty members formed the AAUP which adopted as one of its tasks the development of measures which would protect faculty both fiscally and academically. This move was not very popular, or successful, at first, and, despite the joint statement with the ACE in 1925, only a relatively few institutions had formally adopted the AAUP's tenure statement by 1932.[2]

The current situation in higher education reveals that despite the general acceptance of the concept of tenure, the financial hard times of recent years have again made the concept of tenure a topic of debate and controversy. In 1973, a study found that 100 percent of all public and private universities and 94 percent of all private colleges had adopted some form of tenure plan,[3] indicating, at least on the surface, that the AAUP had been successful in its attempt to have formal tenure policies and procedures adopted nationwide. However, a study of tenure by the AAUP and the Association of American Colleges found that the campus unrest of the 1960's had led to the questioning of tenure by two prestigious national commissions (Linnowitz and Scranton).[4] Following closely on the heels of the student unrest, the current financial instability has led to renewed questioning of tenure and increased interest in collective bargaining as an alternative to tenure.

While those who formulated the original AAUP position on tenure viewed it primarily as a means of protecting academic freedom,[5] discussions over tenure during the current financial crisis suggest that tenure is now viewed more as a means of

providing for job security than as a means of protecting academic freedom. This shift in emphasis began to take place during the Depression of the 1930's when faculty found themselves and their institutions facing another financial crisis. In light of the current concerns over the role tenure is to play in American higher education, an analysis of this shift during the Depression will provide some perspective on the present controversy.

The shift in emphasis from academic freedom to job security occurred only gradually in the years of the Depression. As late as 1933, William Burl Thomas was suggesting that job security for most faculty members could be taken for granted, that tenure was generally indefinite, despite the lack of contracts and specific procedures, except for those faculty members who expressed unorthodox views.[6]

When the Depression began to be felt on college campuses, generally after 1930, the AAUP began to furn its attention to faculty conditions. A 1932 study found that although, as Thomas suggested, only 115 of the 238 institutions surveyed provided faculty with a formal contract,[7] and only a limited number of institutions presumed permanency following the initial period of appointment.[8]

Table 1

TYPE OF APPOINTMENT BY RANK, 1932

| Length of Appointment | Inst. | Asst. Prof. | Assoc. Prof. | Professor |
|---|---|---|---|---|
| Initial 1 year appointment | 222* | 169 | 134 | 130 |
| Initial apt. for definite period | 237 | 217 | 182 | 156 |
| Presumption of permanency after original appointment | 38 | 91 | 106 | -- |
| Indefinite original appointment | - | 52 | 76 | -- |

*Indicates number of institutions
Source: Committee on Tenure of University and College Teachers, "Report," Bulletin of the American Association of University Professors, April, 1932, p. 256.

Less than half of the 260 institutions responding had developed specific procedures for the removal of faculty although more than half did have some provision for providing notice of termination.[9]

The focus of this study was on job security and appears to be an attempt to gain some understanding of the conditions of employment of faculty in an increasingly difficult situation. In May of that same year, an AAUP study of 38 institutions found a net decline of over 200 faculty positions.

Table 2

COMPARISON OF THE NUMBER OF FACULTY BY RANK AT 38 SELECTED INSTITUTIONS OVER A TWO-YEAR PERIOD

| Rank | Number of faculty 1931-1932 | 1932-1933 |
|---|---|---|
| Professor | 1682½ | 1687 |
| Associate Professor | 707 | 705 |
| Assistant Professor | 1223½ | 1201 |
| Instructor | 1991 | 1895 |
| Part-time instructor | 878 | 783 |
| TOTALS | 6482 | 6271 |

Source: "Current Economic Conditions of the Profession," Bulletin of the American Association of University Professors, May, 1932, p. 404.

The decline in the numbers of faculty continued through 1934, the year the AAUP and the Association of American Colleges renewed their discussions on tenure. The United States Office of Education found a 1.4 percent decrease over a two-year period, 1931-1933.[10]

Thomas looked at several major institutions and noted the number of the faculty dismissals.

Table 3

FACULTY DISMISSALS AT SELECTED INSTITUTIONS - 1932-1934

| Institution | 1932-1933 | 1933-1934 |
|---|---|---|
| Colorado | 10 | 10 |
| Cornell | 0 | 44 |
| Illinois | 27 | -- |
| Kansas | 17 | 14 |
| Northwestern | 31 | 19 |
| Oregon | 19 | 36 |
| Rutgers | -- | 47 |
| Wyoming | 15 | 20 |

Source: Thomas, op. cit., p. 214.

Looking at the data it collected, the AAUP took note of the fact that the younger faculty, occupying the lower ranks and generally on term appointments, were the ones who lost their positions.[11] Generally, although there are exceptions, those faculty occupying the upper ranks and protected either by tenure or unwritten custom, did not face the threat of dismissal.[12] Thus, while some institutions did not have to turn to the dismissal of faculty members as an economy measure and while others turned to wholesale dismissals,[13] the system protected, by and large, those it was intended to protect. The problem then, as now, concerned those faculty members whose positions were not protected by indefinite tenure of some form.

By 1935, the crisis, at least as far as faculty positions go, was over; most studies revealed a general trend upward as institutions began to add faculty. One AAUP committee attempting to study the situation found that 490 institutions it surveyed were planning to add 371 new faculty positions, an increase of 0.9 percent.[14]

While this trend continued into 1936, the AAUP commenced a second study of tenure practices. This study, although limited to 96 institutions, found that a substantial majority (79) had not changed their tenure policies since 1930, but that almost half (47) made all their appointments for one year regardless of rank.[15] For the remaining institutions, the modal pattern was indefinite appointments for professors and associate professors, two- to three-year initial appointments for assistant professors and one-year appointments for instructors.[16] The AAUP also found that by 1935 the number of faculty employed had recovered enough to conclude that, despite the decreases in 1932, 1933 and 1934, the aggregate full-time faculty remained relatively stable. It was the instructors and part-time faculty who suffered the most.[17]

Although the Depression period of instability may have been relatively short-lived compared to the current predictions for the next twenty years in higher education, a clear and strong concern for job security emerges from the AAUP's studies of the Depression.

The staffing concerns outlined above are also reflected in the reports of the AAUP's Committee on Academic Freedom and Tenure, Committee A, which receives and investigates complaints of faculty members who feel that they were treated (or dismissed) unfairly. Dismissals for reasons of financial stringency were, and still are, accepted grounds for dismissal of faculty. Despite this fact, the Committee's workload reflects the ebb and flow of depression conditions on American campuses. Considering 25 cases in 1929, the Committee dealt with 75 cases, including 63 new cases, in 1931.[18] Despite this large increase in the number of cases it considered, the Committee still hesitated to place the blame entirely on the Depression, while admitting that "...some of this year's difficulties may be traceable to shortage of funds."[19] A year later, the Committee was ready to observe that "the year 1931 has contained events which have shown beyond a doubt that the financial stringency is unquestionably a ruling factor in the enlargement of the Committee's work."[20]

While noting that the AAUP could not act if the faculty were, in reality, dismissed due to institutional retrenchment, the Committee suggested that financial reasons may be just a ruse for the dismissal of a controversial faculty member.[21] The Committee further suggested that faculty members would not be complaining in such large numbers if they could find other jobs upon their dismissals.[22]

Table 4

ACADEMIC FREEDOM AND TENURE CASES CONSIDERED BY COMMITTEE A OF THE AAUP DURING AN EIGHT YEAR PERIOD

| | 1928 | 1929 | 1930 | 1931 | 1932 | 1933 | 1934 | 1935 | 1936 |
|---|---|---|---|---|---|---|---|---|---|
| New Cases | | | 27 | 63 | 66 | 69 | 40 | 56 | 31 |
| Total Cases | 27 | 25 | 38 | 75 | 86 | 85 | 60 | 74 | 48 |

Source: Committee A "Report", AAUP Bulletin, Issues of February, 1931, p. 137; January, 1932, p. 29; February, 1937, p. 103.

In 1936, after the Depression had begun to ease, the Committee could look back and conclude that the number of cases they dealt with involving job security exceeded the number of those involving academic freedom.[23] This assumes added importance when the social and political unrest of the era is taken into account.

A review of those cases reported in the AAUP Bulletin does indicate that Committee A was concerned to a large degree with ensuring that the faculty members were treated fairly, had received "due process"; most reports consist of a careful reconstruction of the steps leading up to the dismissal of the aggrieved faculty member. The Committee concluded as early as 1933 that "the present economic crisis...has increased the danger of arbitrary action by college administrations."[24] The cases which did find their way onto the pages of the Bulletin indicate that institutions did, in fact, use "financial stringency" as an excuse to rid themselves of "radical" professors. The cases of professors Turner and Hicks serve as examples of this situation.[25]

Henry Wriston, President of Brown University, was not ready to see tenure considered solely in terms of job security, arguing that "...the source of tenure is its relationship to academic freedom."[26] Looking back in 1940, he took care to point out that "difficulties are rare in institutions which are sure of their mission..."[27] The Depression affected different institutions in different ways and they responded differently, the range of responses varying widely. Looking back over the Depression years, Committee Y examined the effects of the Depression and recovery on higher education and found that "most of the cases /dealt with by Committee A/ were cases from small colleges..."[28] However, one of the institutions censured by the AAUP during the Depression years was the University of Pittsburgh.[29]

The questions concerning tenure raised by Depression conditions led to a series of meetings beginning in 1934 between the AAUP and the AAC, and resulted, six years later, in the 1940 Statement of Principles on Academic Freedom and Tenure. Despite the strong concern with the job security aspects of tenure which emerged during the Depression, this statement, while viewing academic freedom and tenure as separate components, defined "tenure" as the means by which both academic freedom can be protected and a reasonable degree of job security obtained.

This 1940 document was, as it claimed to be, a statement of principles and, despite the concern with procedures and practices which emerged from the Depression, was not concerned with outlining formal procedures and specific practices.

This statement, emerging from the Depression years as the foundation for an elaborate tenure model developed in the 1950's and 1960's by the AAUP, only serves to highlight the fact that the concept of tenure as a formal instrument which protected academic freedom and provided for faculty job security was not well developed during the Depression years, and oftentimes resulted from an informal agreement or practice rather than the acceptance of the AAUP's position.

The AAUP, formed to a large degree to provide a professional academic counterbalance to threats to academic freedom, responded to the threat to faculty jobs by shifting its emphasis within this concept of tenure from academic freedom to job security, just as in the early 1970's the AAUP would abandon its traditional opposition to collective bargaining and faculty unionism and move to meet a new threat.

Although this particular shift in emphasis may be of only historical interest, what should emerge is that tenure was never viewed as a fixed and final concept. Within the first quarter century of its organizational life the AAUP, even before the concept was widely accepted by American higher educational institutions, had modified and shifted its original emphasis.

The key question to be determined today is not where the current emphasis lies, but if the concept itself remains flexible enough to meet new challenges to faculty and if faculty are ready to develop new practices and procedures to deal with present and future needs. It is this ability to adjust where the emphasis of tenure policies will lie which may determine whether or not tenure will continue to serve as a viable model for the profession.

NOTES

[1]Walter P. Metzger, "Academic Tenure in America: A Historical Essay," in Commission on Academic Tenure in Higher Education, Faculty Tenure, (San Francisco: Jossey-Bass, Inc., 1973).

[2]Committee on Tenure of University and College Teachers, "Report," Bulletin of the American Association of University Professors, April 1932, p. 257.

[3]Commission on Academic Tenure, op. cit., p. 1.

[4]Ibid., p. x.

[5]Louis Joughin, ed., Academic Freedom and Tenure, (Madison, Wisconsin: University of Wisconsin Press, 1967), p. ix.

[6]William Burl Thomas, "The Educator and the Depression," The Nation, August 23, 1933, p. 213.

[7]Committee on Tenure of University and College Teachers, op. cit., p. 255.

[8]Ibid., p. 256.

[9]Ibid.

[10]United States Department of the Interior, Office of Education, Biennial Survey of Education 1933-34, (Washington, D.C.: U.S. Government Printing Office, 1937), p. 13.

[11]Committee A, "Report," AAUP Bulletin, February, 1934, p. 103.

[12]Committee Z, "Economic Conditions of the Profession," AAUP Bulletin, February, 1933, p. 99.

[13]Committee A, "Report," AAUP Bulletin, February, 1934, p. 104.

[14]Committee Z, "Economic Conditions of the Depression," AAUP Bulletin, February, 1935, p. 158.

[15]"Employment, Salaries, Promotion and Tenure in Higher Education: Present Practices," AAUP Bulletin, March, 1936, p. 179.

[16]Ibid.

[17]Ibid., pp. 169-170.

[18]Committee A, "Report," AAUP Bulletin, January, 1932, p. 29.

[19]Committee A, "Report," AAUP Bulletin, February, 1931, p. 137.

[20]Committee A, "Report," AAUP Bulletin, January, 1932, p. 30.

[21]Ibid., p. 30.

[22]Committee A, "Report," AAUP Bulletin, May, 1932, p. 345.

[23]Committee A, "Rensselaer Polytechnic Institute," AAUP Bulletin, January, 1936, p. 103.

[24]Committee A, "Report," AAUP Bulletin, February, 1933, p. 95.

[25]Committee A, "Report," AAUP Bulletin, March, 1935, and Committee A, "RPI", op. cit.

[26]Henry M. Wriston, "Academic Tenure," American Scholar, Summer, 1940, p. 339.

[27]Ibid., p. 343.

[28]Committee Y, Depression, Recovery and Higher Education, (New York: McGraw-Hill Book Company, 1937), p. 84.

[29]Committee A, "Report," AAUP Bulletin, March, 1935.

## VI. CONFLICT BETWEEN TENURE AND AFFIRMATIVE ACTION IN A TIME OF RETRENCHMENT

by
Joan A. Ehren

Recent dismissals of tenured and non-tenured university faculty in response to lower student enrollments, fewer grants and gifts and fewer faculty retiring dramatizes a growing conflict between two priority concerns within the university.[1] The critical financial conditions of many colleges and universities has further emphasized the potential points of conflict between the issues of affirmative action the civil rights of women and minorities; and tenure, the employment rights of established faculty.

Affirmative action is viewed as either a hiring practice or as a combination of employment practices designed equitably to distribute available work opportunities. For purposes of this paper, tenure is viewed as an employment security practice, although such an emphasis is not to suggest that tenure does not have important implications for academic freedom. Those who have tenure have more job security than those that do not. If affirmative action is viewed in terms of hiring practice only, conflict may be limited. But, if affirmative action is related to both hiring and firing, the possibilities for conflict become greater.

### Affirmative Action in Retrenchment

During a period of university expansion in a growth economy, affirmative action affects the institution only as a hiring program. Affirmative action and tenure do not become conflicting issues. In a no growth or slow growth economy, affirmative action becomes a hiring and firing policy for the university; affirmative action and tenure are brought into potential conflict. As soon as the institution is forced into retrenchment, the potential conflict becomes actual conflict. In a

financial crisis, faculty who already fear the loss of tenured positions face the additional pressure by the Federal Government to hire and retain women and minority groups.

In a recent book for the Carnegie Commission on Higher Education, Richard Lester charges that merit and academic standards have been undermined by affirmative action programs.[2] He argues that federal requirements are based on the "industrial model" and that federal prohibitions will destroy "academic freedom" within the university. His book brought an angry and strongly worded reply from Bernice Sandler. Dr. Sandler sharply reprimanded Lester for poor scholarship, for attempting to perpetuate institutionalized discrimination, and for his limited and narrow point of view.[3] The respective views of Lester and Sandler will undoubtedly continue to be supported, argued, and extended by other faculty within the academic community.

## Public Policy Impinging on Contract Rights

Controversy involving affirmative action versus tenure will not only divide faculty within the university, but may also further polarize faculty and administration. A review of pertinent literature concerning tenure, affirmative action, and retrenchment seems to support Kenneth Bouldings' view that adjusting to stability in an organization is more difficult than adapting to change. The polarization stems from the same underlying pressures and conflicts between affirmative action and seniority that confront the employer-employee relationship in the industrial world. If university administration decides to cut faculty to reduce costs, there would clearly be a conflict, as there has been in industry, between the employee-employer contract and the obligation of the administration to fair employment practices.

Affirmative action is a national policy, and neither universities nor industries define the policy nor do they decide whether or not they want to adopt it. Affir-

mative action has become a matter of civil rights, while the adoption of tenure or the acceptance of seniority in a union contract is left to the decision of the university or corporation. But once a tenure or seniority principle is adopted, it becomes a contractual agreement that cannot be abandoned at whim. The administration in the university, like the employer in industry, thus is confronted with the obligations and reponsibilities to civil rights laws as well as to tenure principles.

While seniority is not the same as tenure, the similarities are so great that the differences do not seem important; tenure and seniority are alike to the extent that non-tenured people get fired before tenured people. Recent federal court decisions for labor and industry indicate that faculty might not find protection in tenure when the non-tenured faculty to be fired are women and minorities. The Labor Law Journal reports that in current cases in plant layoffs where the terms of a conciliation agreement calling for increased hiring of minorities are in conflict with the lay-off requirements in the seniority clause of a union contract, the conciliation agreement prevails.[4] This conclusion was reached by a federal trial court in New Jersey which was asked by an employer, faced with laying off a number of workers, whether it should abide by its agreement with the Equal Employment Opportunity Commission or by its union contract.[5] The Equal Employment Opportunity Commission called for affirmative action to increase the employment opportunities of minorities and women. Since the greater number of these minority workers had been recently hired, they were low on the seniority list and faced lay-off. In order that the plan of the EEOC agreement would not be frustrated, the courts indicated that layoffs should be allocated among minority and non-minority workers, so that minorities would hold the same percentage of representation in the work force at the end of the force reduction as they had in the beginning of the layoffs. In another case, in Louisiana, where minorities and women had already been laid off, a federal trial court ordered the employer to reinstate a number to equal the

percentage of minorities and women held in the work force before the layoffs.[6] The court ruled that length of service as selection for layoffs continued the unlawful discrimination the employer practiced in the past. The courts seem to be deciding that laws which involve civil rights take precedence over employer-employee contracts in industry. There is no reason to assume that in a tenure contract between university faculty and administration such principles would not apply to the university as well as to the industrial plant.

Suggestions from administration, designed to solve the conflict between tenure and affirmative action during a time of retrenchment, have been one, or more of the following: (1) a freeze on hiring, (2) a freeze on rank and salary, (3) the abolition of tenure, and (4) the implementation of flexible ranks.[7] Two of the approaches may border on illegal and unethical procedures, and all appear to demand arbitrary and unilateral decision-making and could exclude faculty in the decision process.

Given the legal restraints of affirmative action and the tradition of tenure, is it possible for universities to develop individual solutions to faculty cuts during a time of retrenchment? Solutions are needed that avoid employing unilateral and arbitrary decision-making by administration or relying on the courts. While being fired is no more humane when fired by a court, an administrator, or a faculty committee, one process can be more divilized and democratic than another. The next section of the paper attempts to describe one such democratic process--how a faculty and administration of one graduate school faced with a sudden financial crisis and retrenchment arrived at an answer to the question of who should go.

## One Example of Resolution: Consensual Renegotiations

The procedure that evolved from one graduate professional school faced with retrenchment was an elaborate but flexible one, seeming to preserve the autonomy of the school and giving all people involved some input into the procedure, with the result that everyone at the end appeared satisfied with the legitimacy of the process. While the process does not resolve all of the issues raised by affirmative action versus tenure during a financial crisis, it does provide a model for a process to arrive at a decision.[8]

### The Situation

The Graduate Professional School is part of a middle-sized and private university located in the western part of the United States.

The School had a major commitment to increase its enrollment from the minority communities as well as a strong affirmative action program for the recruitment of faculty. During the academic year 1972-73, the School found itself faced with the necessity to reduce the number of faculty from 38 to 32 as a result of termination of federal and state grants. A substantial number of faculty on tenure had been supported exclusively by these grants over a period of as long as 23 years. Notice of termination of grants for June of 1973 was given to the administration of the School in January 1973. If tenure and clear-cut seniority were the criteria for retaining faculty, all of the minority faculty would have been discharged with a resulting loss of balance in the entire program.

### The Process

The first step in the termination procedure was taken by the Dean, when he shared the problem in its entirety with the faculty. At that meeting, the Dean appointed a five-person Executive Committee, elected by the faculty, to develop criteria and procedures for the process of retrenchment. The Executive Committee

then proceeded with an investigation of the retention guidelines of the AAUP as well as the retention policies of their national professional organization. "After long months of soul searching" by the Committee and entire faculty, it was agreed that the retention guidelines of the AAUP and the national professional organization be rejected and that "for the purpose of applying criteria and determining the process of retrenchment, the entire teaching faculty of the School be involved."[9] In applying any retrenchment criteria, the faculty agreed that all of the existing faculty (tenured and non-tenured, full-time and adjunct) be considered in determining which individuals should be retained in the future organization of the School. Criteria to be utilized in determining retention of faculty was then suggested, discussed, determined, and eventually approved.

The Guidelines

The four criteria approved by the faculty are listed below in descending order of importance.

1. The major criteria for faculty assignment would be the School's program emphasis and curriculum needs. Essential to this will be competence in a particular curriculum area, but equally important will be ability to move laterally to develop teaching skills in other curriculum areas. It is essential that all curriculum area specialists have an acquaintanceship with a broad interest of total professional education through self-development plans to achieve competence in other than their specialized areas.

2. Equally important to curriculum area competence is a faculty that has a mixture of persons from varying ethnic, racial and sex groupings.

3. Those persons over 55 years of age and/or with ten or more years of University service should be recognized in any retention plan.

4. Factors of rank and tenure should also be considered in determining the make-up of the faculty.[10]

In applying the above criteria to the faculty of the School, the following process was eventually developed and then approved.

1. The Dean will arrange individual conferences with all faculty members during the next two weeks. The purpose of these conferences will be to review the School's program needs in light of its current and future curriculum objectives and how the individual faculty member's interests and competence relate to these needs.

2. The Dean will consult with the elected Executive Council of the School. He will ask for input from faculty and student representatives on the Council that will be of assistance to the Dean in making the decision as to who shall be retained.

3. The Dean will then make recommendations to the Vice Chancellor for Academic Affairs. Those faculty members who will not be recommended for retention will be notified by the Dean and asked to submit their resignations at the time he submits his recommendation to the Vice Chancellor. Those persons so notified shall be guaranteed an appointment for one academic year or until June 1974, at the salary level indicated in the appointment letters submitted in February of 1973.

4. Under University procedure any faculty member notified that they are not being retained may appeal to the Vice Chancellor for Academic Affairs. If the Vice Chancellor upholds the recommendation of the Dean, the faculty member has the right to appeal the decision to the Academic Review Committee of the University Senate.

Preference on Rehiring

The faculty agrees that if a faculty person is terminated as a part of this retrenchment program, the person terminated shall be given preference on rehiring if any vacancy occurs during the two-year period following the end of his/her appointment date. This preference on rehiring would be subject to the program needs of the School.[11]

The Decisions

Following the approval of the faculty of the criteria and the process, the Dean spent several weeks interviewing faculty and gathering faculty evaluations as specified in the first two steps of the approved process. With the completion of those steps, the Dean eventually "came down to a lonely weekend," attempting to fit personnel to the needs of the School's program. The decision-making "hurt." The Dean's list of suggested tenured and non-tenured faculty to be terminated was then submitted to the Executive Committee. The Dean met with the Committee asking for

disagreement and alternative selections. The alternative selections were eventually discarded by both the Committee members and the Dean when the approved criteria were applied instead of individual judgments. Letters of termination were then sent to six people.

The Results

In the end, no one challenged the criteria or the process. Everything was heard and considered until there was nothing more to be heard or considered. There were a few expressions of personal resentment that could not be avoided. For a faculty that was hired and promoted during periods of growth and change, "it was a great shock which no one gets over."

One faculty member who was terminated objected. After lengthy negotiations, a sabbatical leave was provided for the following year. A proficiency in a needed area of the Professional School program was developed during the sabbatical and the faculty member was retained when an opening occurred. The other five faculty members found positions outside of the School.

For the School, the entire program has apparently been strengthened. The enrollment of students and particularly minority students has rapidly increased. Enrollment is higher this year than any of the past five years. New teaching methods are being examined and positions have been upgraded. More importantly, the morale of the faculty is excellent. Participation and involvement in decision-making has made them more effective members of their professional society. The faculty feels that as a result of the process they are more flexible and workable, more open and communicative.

The process is ad hoc and flexible, seeking the satisfaction of everyone by the legitimacy of the process, even those let go. The model is the process, not the outcome. Another institution using the same model might reach different outcomes.

## Conclusions

Some conclusions might be drawn by other colleges and universities in analyzing a process approach to the problem of affirmative action versus tenure. First, a process approach does have its limitations. To the extent that tenure is a contract right, any individual who objects can seek legal recourse. A process solution is only good as long as there is unanimous consent, including agreement by those to be fired. Second, a process approach frequently broadens the conflict, bringing in even more factors and conflicts than tenure or affirmative action. This was certainly clear in the case of Graduate Professional School where institutional policies took precedence over affirmative action as well as tenure. Theorists of conflict resolution might argue that this is a good result--by bringing in all other conflicts one diffuses and resolves conflict. Third, on the other hand, attempts at a process solution can result in the preservation of the autonomy and integrity of an academic community. Fourth, a more viable social process makes the individual <u>feel</u> as if he was dealt with more humanely even if the result is the termination of his position. Last, the process model is not designed to preserve either tenure or affirmative action, but it can have a profound and positive effect professionally and socially within an academic community.

NOTES

[1]William R. Mann, "Is the Tenure Controversy a Red Herring," Journal of Higher Education, XLIV (February 1973), pp. 85-94.

[2]Richard Lester, Anti-bias Regulation of Universities, (New York: McGraw-Hill, 1974).

[3]Bernice Sandler, "Backlash in Academe: A Critique of the Lester Report," Teachers College Record, Vol. 76, No. 3 (February 1975), pp. 401-419.

[4]Labor Law Journal, "Equal Employment Opportunity," (December 1974 and January 1975), p. 774.

[5]Jersey Central Power and Light Company v. Electrical Workers, Local 327, 8EPD//9759// (D.C. N.J. 1974).

[6]Watkins v. Steel Workers Local 2369, and 8EPD//976//369 F. Supp. 1221, 7 EPD//9130//.

[7]Mann, op. cit., pp. 85-94.

[8]Interviews were conducted at the unit, hereafter designated, Graduate Professional School, by the author to develop the remainder of the text.

[9]"A Statement of Agreement of the Faculty of the Graduate School in Light of Program Retrenchment," (April 25, 1973).

[10]Ibid.

[11]Ibid.

## VII. FACULTY DEVELOPMENT: PERSPECTIVES AND ISSUES

by
Margaret Wick

The concept of faculty development is not new. What is new are the many and varied forms in which the concept is being institutionalized in colleges and universities throughout the United States today. This development has occurred rapidly, with most programs being established within the past two or three years. A recent survey by Gaff indicates that 167 higher education institutions have centers or programs which are classified as relating to faculty development.[1] Literature on the topic is increasing, although much of it is still in the descriptive stage. Most programs have not existed long enough to provide a data base for empirical studies.

Efforts to improve faculty performance in colleges and universities have been in evidence for fifty years.[2] Institutional practices, such as providing support for attendance at professional meetings, granting sabbatical leaves, and encouraging exchange professorships were designed to improve the quality of the institution's faculty. It is becoming increasingly evident that these traditional practices, although they may have been adequate in previous times, are not sufficient today. Bergquist and Phillips state: "In the recent past, efforts at faculty development have been largely cosmetic in nature or based, at least in part, on faculty assumptions about the way in which faculty, as well as students, learn, change, and grow."[3]

Today, societal conditions have placed higher education institutions and the faculty they employ in a changed and often stress-filled position. Institutions find themselves confronted with declining or steady-state enrollments, tight budgets and limited opportunity to hire new faculty. Faculty members are confronted with few opportunities for mobility, both within and between institutions. As student

bodies become more diverse and institutions broaden their purposes to encompass this diversity, faculty find themselves pressured to more adaptive behavior. Faculty development programs, as a means of facilitating role adaptation, have been one form of institutional response to these societal conditions.

The programs designed to facilitate role adaptation must take into account a faculty role which is undergoing significant change today. The components of the role are less clearly defined than they were five years ago. Blackburn lists five social forces which have had an influence on this role definition: (1) widespread economic problems, (2) faculty unionization, (3) surplus of Ph.D.'s, (4) leveling off of university growth trends, and (5) changing social values and priorities.[4] It is clear that the role emerging will be more diverse than the former one and will require adaptability on the part of the faculty member. Bailey believes that the role has already become so magnanimous that "part of the faculty anxiety is that the expectation is too far beyond the reach of most of us."[5]

These two factors--the recognition on the part of institutions that those faculty they now employ will be with them for a longer time and the accompanying recognition that the faculty role needs to be examined and perhaps re-designed--have led institutions to a renewed interest in activities which have come to be labeled "faculty development."

## What is "Faculty Development?"

Two major issues emerge as one reads the current literature on this topic. First of all, what is an acceptable definition of the term "faculty development?" Secondly, what is properly included in an organized faculty development program within an institution? The remainder of this article will focus on these major issues and the sub-issues contained within them. An attempt will be made to clarify the components of each issue by reference to current literature.

The term "faculty development" is not yet listed as an ERIC descriptor in 1975. Perhaps this lack is indicative of the considerable ambiguity that still surrounds its definition. The six definitions listed below reflect both diverse and common elements:

> ...faculty development is an attempt to improve the performance and effectiveness of the individual faculty member in a variety of teaching situations.[6]
>
> ...faculty development means the improvement of the various competencies that relate to the prime functions of a faculty member.[7]
>
> By (faculty) development we mean favorable change whose consequence is that faculty members operate with increasing autonomy in accord with internalized values and goals, and function more effectively as individuals and as members of society.[8]
>
> (Faculty development) programs must be based on an understanding of personality development as a whole, not just on adapting to a professional role.[9]
>
> The purpose of faculty development, no matter what name it has, is to strengthen faculty members' capacity to work with students and to keep up with expanding knowledge of their field.[10]
>
> The focus of faculty development programs is faculty members, rather than the courses they teach. In this case, the intellectual roots lie in those disciplines that study human development over the life span, particularly developmental, clinical, and social psychology and psychiatry. The major emphasis of these programs is development of different aspects of the instructional competencies of faculty....[11]

From this broad range of definitions it is evident that the central question in defining the term is: What aspects of the faculty member are to be developed? One view emphasizes the development of teaching activities. Other definitions encompass broader views of the faculty role and include activities such as advising students and growing in knowledge. Still others go beyond the professional role and allude to personal development. The trend seems to be to broaden rather than to narrow the scope of what is to be developed.

In part, these variations in definition reflect the changing role of the faculty member. They also reflect the intrinsic relationship between the personal and

sociological components of the role definition. Some comments on each of these points may clarify the nature of this first issue.

Historically, the role of the faculty member in American higher education has had three components: research, transmission of information, and character development. Knapp's analysis of these three dimensions indicates how the emphasis has shifted among them. He also finds conflicts and stresses among the several dimensions, and indicates that "the evolving role of the college professor in America has been characterized by a progressive decline of his character-developing function along with a strong tendency for the research and the informational functions to part company and form two separate callings."[12] As research became the dominant role component, the primary reference group became the professional association rather than the institution in which a faculty member was employed. This has led to what sociologists call role fractionalization: a bifurcation between the research and instructional role components so that they are not mutually enriching.[13]

Administration and faculty are beginning to recognize the fact that the faculty role is comprised of various components and that adequate role performance depends, in part, upon the mutual compatability and support of the components for each other. Ruth Eckert says that there is a need to investigate faculty orientation toward their roles to see how one's orientation relates to teaching competence, scholarly productivity, and public service.[14] She points out that:

> Roles are admittedly complex affairs, embodying the set of expectations, duties, and privileges associated with a given position. Shaped for the most part by tradition and the concerns of those who perform or receive the services involved, they are also hopefully responsive to significant educational and social changes. Yet records of more than 300 years of college teaching in America indicate that the teacher's role has not been essentially modified to keep pace with astounding developments in books and other learning aids, deepened insights into the learning process, and greatly expanded intellectual and social imperatives.[15]

As has been noted, external pressures and the changing nature of student bodies are forcing institutions to "be responsive to significant educational and social changes." One area of response has been a re-examination of the components of the faculty role definition. This has, in turn, been one of the impetuses for faculty development.

Several of the definitions referred to allude to the relationship between personal and professional development. Recently, an emphasis on adult psychological development has reinforced the view that professional development cannot ignore personal development. Hodgkinson relates Levinson's adult developmental stages to college and university faculty and administrators.[16] Sanford says: "It turns out that college professors develop as individuals in much the same way that other people do. Their development is progressive and is marked by distinctive stages, which are only loosely related to chronological age." He delineates three stages: (1) competence in one's discipline or specialty, (2) self-discovery (attention to other abilities, interests, and aspirations), and (3) discovery of others.[17]

Eble also recognizes adult developmental stages and indicates that different types of development programs are necessary for the beginning teacher, the teacher at mid-career, and the one in later years.[18]

The first issue, then, to be resolved as an institution considers faculty development is the clarification of the parameters of what is to be developed. There are many reasons why this should be an individual institutional decision. Cleland, while acknowledging the common base of this issue, points out that "each school...has its own personality, its own set of values, its own goals, and its own attitudes about allowing diversity in styles of teaching." He goes on to say that "it will make a difference if the college is pre-professionally oriented, or church oriented, or vocationally oriented, or research oriented, or if the college is a place that promotes activism, or any number of possible alternatives.[19] Even

though the major components of the faculty role have been historically defined for American higher education, each institution places different priorities on these components. Development of faculty depends upon which components an institution wishes to stress.

Likewise, an institutional decision must be made concerning whether or not development will include the personal component. This decision implies the prior resolution of other issues, e.g., the right of an institution to move into development of this area.

### What Should Be the Form of a Program?

The second issue asks about the form which development programs take within the institution. This issue raises such questions as: By whom should faculty development programs be initiated? How structured should the program be? What are the barriers to implementation?

As indicated in the discussion of the first issue, the basic question, "What are faculty supposed to do?" must be answered.[20] In designing an institutional program, one of the first points to consider is to decide who is to ask and answer this question. In other words, by whom is the program to be initiated and designed? Some literature indicates that a primary role is to be played by the dean and the department chairperson.[21] Eble states that the lodging of responsibility for a program should be with "a high administrative office."[22] The Group for Human Development indicates that deciding which person or group should initiate the program is not as important as recognizing that "the responsibility for making the program work should rest with the members of the faculty."[23] It does make a difference who makes the decisions and defines the nature and scope of the program. Wilson alludes to the issues underlying this question:

> The fact is there are serious disagreements among professional staff about what needs to be done, about the basic goals and purposes of a...college. It is more than a matter of priorities or techniques or governance patterns. There are people working in the same college who are trying to achieve contradictory goals, people who operate from contrary premises with totally different expectations, objectives, and standards. Serious differences of this kind can only be overcome by organizational efforts that include all members of the professional staff and that involve considerable structured activities and informal interaction.[24]

This suggests that varying answers to the question: "What are faculty supposed to do?" would be forthcoming from the several components of the institution.

The last portion of Wilson's quotation suggests a second question or sub-issue: How structured should a faculty development program be? It is probably safe to say that neither structured activities nor informal interaction separately will accomplish the goal of a faculty development program. Some healthy mix of structure and informality will be needed and the proportion of each will be an individual institutional decision. Eble suggests an informal information center for the exchange of programs and innovations.[25] Bailey lists ten activities in faculty enrichment which range from temporary load reduction in order to work on a new course or research to providing opportunity for faculty to gain insight into his or her role as a student counselor.[26] Noonan focuses on curriculum change as a way to develop faculty. He calls this the "immersion method" and says:

> ...I advocate the somewhat unsettling position that the best thing you can do for many faculty is to plunge them into new learning-teaching environments where they must sink or swim. In other words, use the curriculum itself to alter faculty teaching behavior.[27]

The recently initiated development programs emphasize more formal and structured approaches. One argument for the development of a formal program which includes all faculty is to counteract the isolated nature of the teaching aspect of the faculty role. The Group for Human Development calls this "the state of pedagogical solitude in which more college teachers learn and practice their art."[28] Bergquist and Phillips recommend a three-fold structure for faculty development: organi-

zational, instructional, and personal. The components are designed to bring about significant change on three levels: attitude, process, and structure.[29] There would appear to be a direct relationship between the scope of a program's goal and its complexity of structure.

When the scope of a faculty development program has been defined and the basic questions concerning its structure answered, those persons responsible for its implementation must confront several institutional and personal barriers. Kilpatrick lists four general barriers: academic, financial attitudinal, and time.[30] Among academic barriers are the departmental or divisional structure.[31] The failure of the reward system to reflect the goals of faculty development might also be classified as an academic barrier.[32] Financial barriers usually involve the lack of a budget with which to work. Eble says:

> Few institutions put any sum of money into faculty development, and that, surely, is the first step. If we are to enhance the career of the college teacher, then a definite percentage of the budget - ½ of 1%, 1%, 3% - should be earmarked for that purpose and be kept from disappearing in the budget cutting process.[33]

Cleland points out that most barriers to the development of a formal program concerning faculty development are attitudinal. He itemizes a set of "mythical" attitudes which must be counteracted: college teaching is an art that cannot really be taught; a professor's classroom is his castle; teaching and research are opposed; neither teaching ability nor teaching improvement can be measured.[34]

Mangano affirms the importance of attitude barriers:

> The failure of change programs may be in faculty attitudes toward education rather than in the structural mechanics of in-service programs. Faculty attitudes represent one of the greatest barriers to change, causing faculty members to hide under the protective umbrella of academic freedom, to wall themselves from change.[35]

Bess lists three types of reasons for faculty attitudes opposed to role change: psychological (fear of the new), sociological (fear of status change), and technological (lack of experience in other skills).[36] In the change process, it is

necessary to counter these attitudes by making new norms clear, providing necessary rationale for change, and providing motivation for change.[37]

The issue of program implementation is complex, requiring answers to these and to other questions. Wallace points out that the current literature still does not provide a great deal of assistance in arriving at answers. What is still needed are data on specific in-service needs, descriptions of successful models, and information about low-cost, high-return programs.[38]

Facing and coming to some resolution on these two issues--scope of development and structure of program--are prerequisite to an institution's implementation of a faculty development program. These issues, and the many questions they give rise to, must be answered by individual institutions if the programs are to be effective and viable. A rapid multiplication of faculty development programs is predictable in the next few years. If these programs are to be more than mere duplication of models that exist elsewhere, institutions must assume the responsibility to explore and take positions on these basic issues.

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## VIII. FACULTY DEVELOPMENT: TEACHING ASPECT

by
Abbas Kasraian

A very old Persian idiom about education reads as follows: "No educational planning will succeed unless there is a mutual understanding, and close friendship between the students and teachers."

Nowadays it appears that much effort is being devoted to finding ways of bringing teachers and students closer and of reconciling society and college. But, why is such effort needed? Why and when did this separation and conflict develop? If one reviews the educational history of different nations, except for a few cases of town and gown conflict, teaching has been viewed as a respected job and university professors especially have enjoyed unique privileges. Society has generally paid great respect to the professors; their instruction was warmly welcomed and their ideas were listened to attentively.

What has been the basis for this high reputation? In my judgment, the most important factors were, first, the professors were totally committed to their tasks, even to the neglect of most wordly rewards; their only reward and enjoyment was to transmit their own knowledge and ideas to their students. In most cases the teaching was carried out either by those who were fairly well off or by those who were satisfied to lead a life with the minimum means of support. In some countries teaching has not been considered as a job, but as a spiritual duty of great minds to educate the enthusiastic listeners. In the second place teachers and students were well aware of their academic goals, and society approved their goals and benefited from their accomplishment.

This intimacy between students and teachers and between both and the society has in recent times been broken. This separation occurred slowly in some countries

but in some others, such as the United States, it was very rapid. In Europe, especially in Germany and Britain, there does not seem to be so great a gap between society and the universities. Perhaps the main reason is that proportionally fewer students enter the university; by a screening system in secondary school in these two countries those students who proceed to higher education are more likely to know their objectives for the future. The university programs are arranged accordingly. There does not appear to be a wide gap between the conservative British community and the universities. In German universities the scientific developments have been, and to a great extent, continue to be closely related to the universities; the universities respond more directly to the society.

In the United States a number of factors appear to have contributed to this great gulf. One of the main elements has been the unbelieveably rapid industrial growth; perhaps the universities were not prepared to relate directly enough to this growth. The students, after finishing their education at colleges, found their experiences less directly applicable to their jobs, and society looked down upon those graduates who spoke a lot, but could not do any practical work. Both the students and the society lost their faith and confidence in the college instruction.

In the United States, great effort and millions of dollars have been spent on faculty development as a way of bringing the society and university together and of restoring the old faith between students and professors. Have these efforts by different educational commissions and interested individuals been in vain? If the answer is "No," why are there still so many complaints about the inadequacy of higher education from students, parents and the society? If the answer to the above question is "Yes," what were the main reasons for the failures?

What has been written and suggested about faculty development, especially the teaching aspect, has probably had some impact on developing teaching skills, but at the universities only a small group of teachers actually apply these skills. The

universities and most faculty professors may believe in these theories of teaching and the potential effectiveness of such, but unfortunately in implementing them the university and the faculty are faced with many difficulties. While many accept the idea of the small size of the classes, different desirable instructional methods, innovative curricula, usage of hard and soft media and different methods of evaluation, I am of the opinion that one important fact is missing: the universities act on the principle of the same prescription for all the patients, regardless of the different specific pains and sufferings.

Faculty are not competent in all areas of instruction and attitudes and abilities are not the same; some persons are excellent lecturers, and others are great researchers. A few of them are the best advisers for guiding the students in choosing great books, a group of them are unique counselors for students to choose their major and finally, some are great class performers. I have known many professors who are great lecturers in large classes of 70 to 100 students, but they fail in seminar or tutorial classes, and vice versa. If the university were to accept the various types of professors with different ideas and abilities, how would the principle work well in developing teaching skills in the university? With open admissions, students have different baserates, different social and racial backgrounds and expectations. They bring many problems to the universities and consequently for faculty. To satisfy the students and the society, it is expected that the professors be equipped with all kinds of modern knowledge. The professor is expected to be a psychologist, an authority in social science, a veteran social worker, and a commentator on world problems. Moreover, the professor is expected to dramatize his lesson plan in class as masterfully as a well-known actor or film star in order to draw the attention of the students and motivate them for further study. What wishful thinking! When the professor does not so perform, the administrators put the blame on the professors, and the professor become the scapegoats.

The administrators should, instead of blaming the professors, do something to help the teachers and thus save the reputation of their own institutions. As a student I would make the following recommendations for the teaching aspect of faculty development.

For the effectiveness of teaching in a certain institution the administrators should have a short-range program and a long-range program. First let me suggest the short-range program. Each institution of higher education has a certain number of, so called, conventional or traditional professors. Let us call them group A, those who are in favor of the lecture method and are used to doing things in their own way. Most of them do not or cannot accept innovative methods. The university has two choices, either to fire them--which is in most cases impossible or not easily done--or, to get the best use of these type of professors, whose life-long occupation has been studying, by giving them proper job and function in the faculty.

Many recent books and pamphlets emphasize interdisciplinary study. Many educational commissions and experts advise using informative lectures in different fields. They encourage students from different departments to attend lectures other than those for their own majors. Why doesn't a university leave this function with its own "traditional professors" instead of inviting outsiders to give special lectures. I do not deny that sometimes inviting great personalities to give lectures is very helpful and stimulating but a faculty group cannot sponsor such lectures regularly while its own members are always available and such arrangements are easily done.

Student-led seminars are also suggested by a great many educational authorities, and we are told that these kinds of seminars are effective and fruitful if experienced professors are present at the sessions to act as observers and occasional advisers to the students concerning the approaches and judgments and to guide them in their research. Sometimes young, energetic and innovative faculty teachers are

as puzzled as the freshmen who ask for consultation. The only reliable persons who can guide these students and help them follow their particular interest in the college are older and more experienced professors. If the administrators and chairmen of the departments choose the right persons from among their staff, this great and subtle work will be done easily and satisfactorily, and undergraduates will be well guided from the start.

Perhaps more than half of the university freshmen do not know what they are going to do in the future or which major is suitable for them. These students who go around without a fixed decision cause a lot of trouble for the university and make less effective the work of the professors in class. Students may blindly change their majors and take up new ones that are not desirable for them and consequently will be frustrated in their study. The traditional professors can be of great help to a university in the following directions:

1) Lectures
2) Help the students in finding their suitable field
3) University publications
4) As facilitators and observants in student-led seminars
5) Guiding the self-study and honor programs

Let us now turn to Group B, research-oriented professors. Research is the heart of each educational institution. It is sometimes difficult for researchers to spend some of their time in preparing their lesson plan in order to present it pleasantly and attractively in classes. They prefer to continue their own ways as do those in Group A. Each particular course should have its own aim and goal. If researchers are gifted as being good class-instructors as well, they are ideal for an institution, because they can motivate the students a great deal. Usually students have great confidence in these professors who are engaged in doing some kinds of research. But researchers are reluctant to spend much time to develop their own method of teaching and to use the more sophisticated methods instead of the traditional ones, because departments evaluate staff by publications and research, not by their class performance.

If universities are interested in promoting teaching effectiveness, they should give equal esteem for "teaching" and "research." Nowadays teaching is like the other professions. It is no longer a spiritual duty nor for pure enjoyment. Teachers, wherever they are, university or schools, work to earn their living. When "young turks" at the university see that their salary increases, promotion, tenure and prestige depend on research and publications, they are no longer willing to improve their class performances. Instead of trying to satisfy the students, they try to convince the department and senior professors by getting engaged in some kind of research or start writing books.

The research-oriented teachers can be useful in the following ways:

1) Directly lead seminars for the "depth of a particular course
2) Motivate students in doing special research
3) They can lead tutorial classes successfully
4) As the group A, they can lead self-study, and honors work

Now, we consider Group C: the born-teacher group. The last, but not the least, group of teachers are those who have great talent in instructing the students in an interesting and pleasant manner. If these teachers are armed with the latest educational knowledge and methods, they will be a most valuable resource for all educational institutions. I do not think that I have overestimated their value, because if they do their job well and motivate the students, especially students in the first and second years, the job of the other group of professors ("traditional and "research") will be simpler. The task of the university will be much easier. To me, when undergraduates become really interested in certain fields, the college, professors, and books are just "facilitators or agents." The students automatically and with great zeal get sufficient benefit from their college years. The following are main tasks of the "group C":

1) To stimulate the freshmen and sophomores for particular areas.
2) The "breadth" of disciplines should be demonstrated in the best and most fascinating way.
3) They should use all kinds of modern technological aids to make their lessons more up-to-date.
4) They should prepare enthusiastic students for senior professors for the "depth" of the disciplines.

Of course, there is not a clear-cut distinction between the duties of these three groups, but I think these general divisions are necessary for practical purposes. These suggestions are only guidelines for each group and they should be tested and evaluated carefully to see the weak and strong points in procedure.

After the first step, (short-range plan) the universities and other institutions of higher education should arrange an in-depth, careful plan for the next step, that is the long-range plan.

The long-range plan ought to consider the following aspects:

a) To support and secure the faculty financially and spiritually.
b) To familiarize the faculty with the latest educational development in their fields and various methods.
c) To promote a system of true evaluation of the work of the faculty.

In a friendly atmosphere, the faculty will naturally feel secure, and they are more willing to accept the administrators' or educational experts' proposals to develop their own skills, and they will welcome the educational opportunities which the university or the institution provide for them. They will not consider evaluation as a threat to their jobs, but as a means to diagnose their weaknesses and cure them. Self-evaluation, peer evaluation, administrators' and outsiders' evaluations are all considered to be as a kind of cooperation and collaboration to promote a healthy assessment for the promotion, salary increase and tenure. If some faculty members are found not to be qualified for the above privileges, the university should do everything in its power to provide help to make them more eligible for promotion and other rewards. Perhaps the university can give them less academic work and provide all kinds of facilities for them to develop their skills.

In an ideal situation, teamwork in different areas such as research, publications, campus or field activities and class performance, can enhance the development of the faculty to an amazing degree. It is quite obvious that the teamwork is more productive than individual work. When there is a healthy atmosphere in the university, those who have emphasized the individual work are more willing to cooperate with

their colleagues. Old rivalry gives way to reasonable competition. Better understanding between the administrators and the faculty leads to the most fruitful result in encouraging innovative and up-to-date curricula. Desirable and comprehensive curricula should cover a vast area to prepare the students not only for their future careers but to make them good citizens as well.

Students in different manner and times have shown their dissatisfaction towards the traditional curricula, and they are not fully content with the existing ones. Though some institutions of higher education have changed their curricula, students are still pessimistic about their effectiveness. This pessimism has risen from lack of confidence between the students and the university. To put an end to the students' complaints, some institutions have changed their curricula in haste but these rapid superficial changes have not been effective. The students may become temporarily satisfied by these sudden changes, but the satisfaction does not last long.

In favorable circumstances which I have explained before, any changes are appreciated and embraced warmly by the students. Here, the students are sure that they are the primary concern of any curriculum changes and in most cases they actively participate in any kinds of decision-making in the university. By offering an innovative program the students get the utmost benefit and the professors enjoy seeing their efforts have met with success. There is no question that the appropriate methods should apply for carrying out the new curricula. There is no doubt a successful teamwork in colleges bring spiritual enjoyment as well as worldly reward for the faculty, and ultimately, the high reputation of the college will be established

Paul Dressel in College and University Curriculum has well defined "the basic considerations in curriculum development" and in the same book he has depicted in detail the students' argument and expectation from the curriculum and what kind of knowledge the students need at this age. To conclude my paper I would like to say,

the student and the faculty development go hand in hand directly and indirectly; and if the administrators and the faculty in good faith collaborate with each other, the confidence of the students and the society towards the university will be restored.

# IX. WEST GERMAN UNIVERSITY REFORM AND THE UNIVERSITY PROFESSOR

by
Rolf A. Trautsch

## Introduction

The American college and university professor has been making headlines in recent years not only in professional journals but also in the national news media. Some of the issues with which the professor has been concerned include his job security (tenure), promotion, academic freedom, collective bargaining, and in some cases, the very survival of his profession.

The professor sees himself as overworked, underpaid, and misunderstood. Students have accused him of being too interested in research without regard to teaching and to the students. Many administrators seem to see him as inefficient and self-interested. Much has been said by the American professor and more has been said about his role and position within the schools and society in general. Little is presented in American media, however, about professors in other countries.

German universities served as models for the establishment of American graduate education in the late 19th century. Are German professors of today concerned with similar issues confronting the American professor? What is the German professor's position within the university? What is his role in society? What are his relations with the students? The following pages attempt to provide some insight into the American college and university professor's counterpart in Germany.

## The Traditional German System

Germany's universities have long followed the model advanced by the early 19th century Prussian statesman, philosopher, and educator Wilhelm von Humboldt (1767-1835). Under this model, the universities were dedicated to the students' right to

learn (Lernfreiheit) and the professors' right to teach (Lehrfreiheit). This is, students were free to learn where, what, and how long they wanted, while professors had the freedom to teach where, what, how and when they wanted. In addition to teaching, the professors' other main occupation within the university was their devotion to the search for new knowledge. While supported financially by each German Land (State), the university nevertheless was completely autonomous. In this setting, teaching and research flourished under the direction of the professors in Freiheit and Einsamkeit (freedom and secluded peace) throughout the nineteenth and early twentieth century.

Under the von Humboldt model, the professors were in complete control of the universities' affairs. They ruled in an autocratic style within a hierarchical structure. No other group within the institutions had any real power.

Based on his position in the university and because of his academic accomplishments, the German professor has always been viewed as a member of a special elite. He constituted and personified the unity of teaching and research as an official lifelong career. As a rule, a professor had earned a doctorate and accomplished post-doctorate work, culminating with the "Habilitation." The Habilitation earned the holder the title of "Dozent" and the right to lecture. After being appointed as a professor he was given civil service status and lifelong tenure. He was paid well and socially he enjoyed a status that was surpassed by few other professions.

Because of the pervasive presence of von Humboldt's university concept in the nineteenth and early twentieth century, when German universities were rebuilt after World War II, they assumed the same autocratic style of the past. The professors' status was unchanged. They continued to run the universities' affairs as they saw fit and decided about the direction each institution was to take.

## Demands to Reform the German System

In the 1950s and 1960s German universities experienced a phenomenal, unprecedented growth in enrollment. Between 1960 and 1971, the number of students at West German universities grew from 283,000 to nearly 600,000. During the same period, the number of professors and dozenten increased from 4,873 to 13, 321, and the number of teaching assistants and scientific staff personnel grew from 11,279 to 34,451.[1] Expenditures more than tripled. While a number of new universities were constructed, in order to accommodate most of the increase in students, older universities were simply enlarged.

In the face of larger enrollments and larger classes, professors, previously primarily devoted to research and teaching, found themselves increasingly occupied with administrative duties, while assistants more and more took over the professors' role of teaching.

As the pressures built up, particularly toward the late sixties, it was clear that the university system needed to be reformed. Students had protested in the mid-sixties, as they had at universities around the globe, against the "Entfremdung" (neglect by the professors of the students) and against the autocratic rule of the professors. The students claimed that they wanted to democratize the university. They wanted to participate in the decision-making process as did the teaching assistants and the scientific staff.

## Reform Underway

Beginning in the academic year 1968-69, there were signs that the structure of the universities in Germany was beginning to change. The new model that developed was that of the "Gruppenuniversität" (University of the groups). Under this model, the power previously held completely in the hands of the full professors was now divided between them and the various other groups that make up the university, including the teaching assistants, scientific staff, non-academic personnel, and the

students. To make the entire system legal, the German Federal Constitutional Court (comparable in jurisdiction to the United States Supreme Court), ruled on 29 May 1973 in favor of the "Gruppenuniversität." The court held that the different groups within the university had the right to participate in the governance of the university.

The court also stated, however, that within such a model, the professors held a "special" position and that they were to maintain their "special" position; and secondly, that the "functionality" of the university should be guaranteed.[2]

In this context, the court held that the professors must have at least 50 percent of the votes in university organs making decisions regarding teaching, and in those organs making decisions regarding professional appointments and research, professors were to have a clear majority of the votes.

Thus the Gruppenuniversität began to replace the von Humboldt university of the nineteenth century.

## Reactions by the Professors

While the new model of the German university still gives the major portion of power within the university to the professors, in some instances a coalition of students and scientific staff has matched or "even outvoted the professors, or a division (was created) in which the majority of the professors were regularly outvoted by a coalition of students, scientific staff and a minority of Leftist professors."[3] Because of this situation, there are those who seem to feel that the academic profession in West Germany has become a "lausiger Beruf" (lousy profession). "The German professor's lot at present is not a happy one, or, at least, many of them like to leave that impression. They are not worried about insufficient financial compensation, like their colleagues in the United States, but it is the model of the Politicized University - or even its cloak, the Group University, to which they think they cannot adjust without prostituting their primary tasks in

teaching and research."[4] In addition, many professors seem to have become disillusioned with the new university because of the large amount of time they now have to spend in the various administrative and decision-making organs of the university.

Despite these problems, however, a recent study conducted by an independent research institute (the Münchner Infratest-Institut) between May and June of 1974, interviewing some 1900 professors throughout Germany, seems to indicate that the professors are generally far more content with the new model than was at first assumed.[5]

## Improved Professor-Student Relations?

In 1878 Mark Twain wrote that there was "no chilly distance existing between the German students and the professors; but on the contrary, a companionable intercourse the opposite of chilliness and reserve."[6] Some 85 years later, the professors' relations with the students had become something other than "companionable intercourse," however. Indeed, during the 1960s, most German universities experienced a number of confrontations between students and their professors. Students protested against the professors because the professors were the university. Unlike in the United States, German universities did not have an academic administration.

The reactions of the professors, at first, were mild disbelief and an inclination to dismiss any suggestion that students were serious in their claims. "Not to be taken seriously - they are youth, and youth, by its nature, is rebellious." "Students should not demonstrate, but study." But as the pressure persisted, the professors' remarks began to take on another tone: "He who is supported by his father or the government (financially speaking) should not open his mouth too wide." "Only those who have not been successful in their studies have the time to go to the streets." "Demonstrators are only a small minority of political eggheads and

notorious troublemakers."[7] Nor were these isolated comments, rather, they were well documented in editorials and letters to the editor in well circulated newspapers such as DIE WELT, DIE ZEIT, and DIE FRANKFURTER ILLUSTRIERTE.

Because of the animosities that developed between the two groups (the students and the professors) in the mid-1960s, and because of the loss of power experienced by the professors one might assume that professors would not be easily reconciled to the idea of student participation in university governance. The contrary seems to be the case, however, and at least some form of "companionable intercourse" seems to have returned to the university campuses.

The Infratest study seems to indicate that professors are far less concerned today with problems related to students, as they are with their own remuneration, as are their American counterparts. Indeed, the professors seem to be content with the general conditions prevailing at the "new" universities. Only 17 percent of the professors interviewed were against student participation in the decision-making process. Prior to 1965 by far the majority of the professors were against any such student participation.

Thus, while student participation was previously viewed by the professors as a political problem, now it is more looked upon as a technical problem. In other words, professors are not opposing student involvement as such, but they seem to feel that the various university organs become involved in too many details and lose precious time; that there is too little continuity with the student representatives, because of the constantly changing student body; and that the students are generally lacking preparation prior to meetings.

In reacting to the number of representatives of students on university organs versus other groups, 56 percent of the professors indicated that they felt that student representation was about right, 24 percent thought it was too little, and only 14 percent thought it was too high. In regard to research, professors still indicated that they felt overwhelmingly that such decisions should be made solely by themselves. Presumably, because they felt themselves to be most qualified.

## Change of Leadership

Another consequence of the reforms has been the change of the leadership of the universities. Prior to the reforms, the head of each German university had always been a rector. He was the primus inter pares in relation to all other professors. He was elected to this post by the professors and he always was a professor. He held this position on a part-time basis for only one year. His powers were limited and his duties included primarily representation of the university at official functions and ceremonies and presiding over the university senate.

The reforms installed a presidential system of leadership. The president is elected by the Grosse Senat (large senate), in which students, academic and scientific staff, as well as non-academic staff have a voice. His term of office generally lasts from four to seven years, with re-election possible. His power seems to have increased considerably. He may be elected from any of the groups within the university or he may come from outside the institution. The trend in selection seems to be toward that of a professional manager, because presidents seem generally to have been elected on the basis of demonstrated skills in the management of academic affairs. For example, in 1969 the University of Berlin elected Rolf Keibisch to be its president. He was merely thirty years of age and he had held the position of academic assistant without ever having earned the doctorate. He was elected by a coalition of students, scientific staff, and leftist professors.[8] In his new role, the university president will have to act as crisis manager when differences between the various groups occur and progress is hampered. Productive consultation and effective decision making may, in the future, depend on the president's skill to effectively manage crises.[9]

## More Equity in Training

Individual professors, too, appear to have lost significant power to train and qualify future professors. Previously, professors saw to it personally that in the "Nachwuchs" of university professors, for which they were solely responsible, the future professors grew up and developed in their image, held their philosophy about the university, and thus assured the perpetuation of the hierarchical structure. The task of qualifying new professors has now been relegated to a senate committee, in which students, academic staff, as well as scientific personnel have a vote.

This procedure is an important change, since the young scholar, aspiring to make teaching and research his career, is no longer at the mercy of only one professor. Furthermore, the new system not only gives greater independence to the young scholar, it also seems to be a "more objective selection and evaluation of scientific ability and promise."[10] Additionally, vacant professorial chairs, previously only obtainable through "connections" are now filled with applicants responding to nationally advertised openings. This method, too, may reduce if not eliminate, some of the inequities of who is hired in terms of age and sex. Indeed, professors seem to be getting younger in Germany. Up to 1960, with an average age of 54, the German professors still had the image of being a "grand old gentleman" as described earlier by Mark Twain. The Infratest study indicated, however, that one out of two professors in 1974 is younger than 40.

The profession is still male-dominated. The study found that only about 8 percent of women are professors, and they were primarily employed at teacher colleges. The study also found that women in German higher education generally seemed to choose between the profession and marriage. Thus, 49 percent of the female professors had remained unmarried, while another 11 percent were either divorced or separated.

The qualifications to become a professor also seem to have changed. In the early 1960s, the Habilitation was a prerequisite to becoming a full-fledged member

of the profession. Today, only two out of three professors have completed this work. But it still takes the average professor about 9.4 years of teaching before he can get a chair. Some 24 percent had to wait more than 13 years.

## The Mittelbau as Teachers

About 38 percent of the professors' time is spent teaching, 20 percent on research, 20 percent on administrative duties, including membership in committees and boards, 8 percent on office hours for student consultation and advising, 7 percent on professional development, reading papers at professional meetings and trips, and 7 percent on dissertation reading and doctoral examinations. A study conducted in the early sixties showed that the German professor was spending some 55 percent of his time teaching. The reduction, presumably, is due to the increase of administrative duties and time spent for student consultation and advising. Because of the reduced time for teaching, much of the teaching load at the universities has been taken over by the newly created "Mittelbau," another group in the university. The Mittelbau consists of "transitional" scholars who are working on their doctorate or their Habilitation, as well as scientific staff personnel. The "transitionals" may carry titles such as "Assistenten," "Wissenschaftliche Mitarbeiter," and the post-reform created title of "Assistenzprofessoren," approximately equivalent to the Assistant Professor in American universities. The Assistenzprofessoren are appointed for approximately six years as university teachers. Thereafter, they either qualify for a permanent professorial position or they leave the university to find employment elsewhere in society.[11] Presently one out of two members of the Mittelbau does not have a doctorate.

## The Professorate - Liberal or Conservative

Prior to 1968-69, the German professor was generally considered to be politically conservative. He was against reform and wanted to maintain the status quo, particularly within the university.

The Infratest study found that, in terms of university politics, professor-student relations are generally more cordial than extreme Leftist and Rightist students would want one to believe. Of course, the study too, was based on the opinions given by professors. How they view the situation may be different than how students view it.

In terms of national political party affiliations, prior to 1960 professors were generally considered to be apolitical. The Infratest study indicated, however, that in 1974 approximately 90 percent of the professors were participating or are interested/strongly interested in national politics. In terms of party affiliations, 36 percent favored the Social Democratic Party (SPD), 24 percent the Christian Democratic Union (CDU), and the remainder favored various SPD/CDU splinter parties. No professors seemed to affiliate with any extreme leftist party. This compares with student affiliation with political parties as follows: 45 percent SPD, 14 percent CDU and some 10 percent extreme leftist parties, such as the Maoists and Communists.

## Conclusion

Although German professors still regard themselves as an elitist group in the university system, and while they still have considerable power in certain areas of the decision-making process, they have had to give up considerable influence in university affairs.

Still, they have been less concerned with job security because of their special civil service status. This situation, too, coupled with a general "professional individualism" has made it impossible so far for any organization or union to gain the support of a majority of the professors. Unlike their American counterparts, the major issues confronting the German professor are not unionization or tenureship, but rather, how to deal with increasing administrative duties. The German reforms have

installed the presidential system, pointing toward professional managers. An administrative staff, as known at American universities, would considerably reduce many of the administrative burdens of the professors. In any event, the German professor of the 1970s no longer is the university--he has become a part of it.

NOTES

[1]Henry L. Mason, "Reflections on the Politicized University: I. The Academic Crisis in the Federal Republic of Germany," AAUP Bulletin, Autumn, 1974, p. 302.

[2]Bundesverfassungsgericht, 1 BVR 424/71; 1 BVR 325/72, Pressereferat des Ministers für Wissenschaft und Forschung des Landes Nordrhein-Westfalen, 29 May 1973.

[3]Mason, op. cit., p. 300.

[4]Ibid., p. 305.

[5]"Professoren über Professoren," DIE ZEIT.

[6]Samuel L. Clemens, (Mark Twain), A Tramp Abroad, American Publishing Co., Hartford, Conn. 1880, p. 47.

[7]Friedrich Mager und Ulrich Spinnarke, Was Wollen Die Studenten?, Fischer Bücherei, Frankfurt am Main, 1967, p. 13.

[8]David Schoenbaum, "The Free University of Berlin," AAUP Bulletin, Spring 1973, p. 8.

[9]Mason, op. cit., p. 306.

[10]Innovation in Higher Education: Three Universities, Organization for Economic Co-operation and Development, 1970, p. 140.

[11]Ulrich Littman, "The University," in The German-American Conference on Educational Exchange, Phillip P. Byers, ed., NAFSA, Washington, D.C., June 1972, p. 101.